

**TO:** CITY MANAGER

1997 FEBRUARY 13

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** REFERRAL OF REZONING REFERENCE #27/96  
TO A PUBLIC HEARING ON 1997 MARCH 25

**PURPOSE:** To seek Council authority to forward the subject rezoning to a Public Hearing and to establish the pertinent prerequisite conditions.

---

**RECOMMENDATIONS:**

1. THAT a Rezoning Bylaw to cover the rezoning application as noted in this report be prepared and advanced to First Reading on 1997 March 10 and to a Public Hearing on 1997 March 25 at 7:30 p.m.
2. THAT the following be established as prerequisites to the completion of the rezoning:
  - a. The deposit of sufficient monies to cover the costs of all services necessary to serve the site, including but not limited to the upgrading of Byrne Road and Gilley Avenue, and the completion of a servicing agreement covering all requisite services. All services are to be designed to City standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
  - b. The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development and to the point of connection to the existing service where sufficient facilities are available to serve the development.
  - c. The satisfaction of all necessary subdivision requirements.
  - d. The granting of any necessary easements and covenants.
  - e. The dedication of any rights-of-way deemed requisite.
  - f. The retention of identified existing trees and vegetation on the site, their protection by registration of a Section 215 Covenant, submission of a written undertaking to ensure that all site areas identified for preservation of existing trees are effectively protected by chain link fencing during the whole course of site and construction work, and deposit of sufficient monies to ensure the

protection of identified existing trees, to be refunded a year after release of occupancy permits, upon satisfactory inspection.

- g. The approval of the Ministry of Transportation and Highways to the rezoning application.
- h. The deposit of the applicable per unit Parkland Acquisition Charge.
- i. The deposit of the applicable GVS & DD sewerage charge.
- j. The completion of a cost sharing agreement for the upgrading of Byrne Road in recognition of the fact that Burnaby owns the property at 6015 Byrne Road.
- k. The granting of a 215 Covenant regarding joint driveway access to all new lots fronting on Gilley Avenue.

## R E P O R T

On 1997 February 03, Council decided to advance the following application to a Public Hearing:

Rezoning Reference #27/96  
Legals and Addresses: see **attached** Schedule "A"

From: R2 Residential District  
To: R5 Residential District

Pursuant to the policy of Council regarding the processing of rezoning applications, it is necessary to establish prerequisite conditions of rezoning associated with the subject application, and instruct that bylaws be prepared and advanced accordingly.

Further to Council directing staff to prepare a report advancing the rezoning to First Reading and Public Hearing, based on R5 zoning, this Department is recommending that the above prerequisite conditions be established for this rezoning. Due to the variations involved in this possible rezoning and subdivision of this site, some discussion is provided (see **attached** sketch for subject rezoning area).

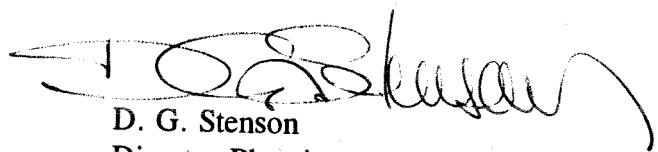
The subject rezoning proposal includes 15 lots. However, technically the applicant could choose to subdivide only one lot at this time. The rezoning and subdivision have, however, been put forward and discussed in previous Council reports in a comprehensive manner, as a total package. In this regard, it is appropriate to require the full servicing requirements for the area rezoning,

including the upgrading of Byrne Road and Gilley Avenue, as was noted in both earlier Council reports on this matter. Such servicing would not be practical to assess or to achieve on a lot by lot subdivision basis but would more constructively be achieved as part of an area rezoning. The servicing will include the share of the frontage improvements of 8658 Gilley Avenue, the one property within the area whose owner did not participate in this rezoning application. The deposit of sufficient monies to cover the servicing of the overall rezoning is the responsibility of the rezoning applicant, with the breakdown of the servicing cost between property owners being a private matter.

The Planning and Building Department has included a standard requirement for the retention of existing trees and vegetation. However, whether or not any or all significant existing trees can be retained is uncertain at this time. As was discussed in the earlier reports, due to the fact that the lots fronting on Byrne road would be significantly lower than the lots fronting on Gilley Avenue, this subdivision may necessitate the construction of high retaining walls around the Byrne Road lots with major regrading and tree removal. In light of this possibility, it is proposed that, if significant trees will not be retained, the developer be required to submit a satisfactory landscape replacement plan and bonding to cover the value of the proposed landscape plan as a condition of the subdivision.

Burnaby owns the property at 6015 Byrne Road, therefore, Burnaby will benefit from the upgrading of Byrne Road to a finished standard. It is therefore recommended that Burnaby, on an appropriate basis, share the costs for upgrading Byrne Road. It should be recognized that Burnaby's property does not achieve subdivision potential through the construction of Byrne Road to a finished standard like other private lots fronting on Byrne Road.

It is also recommended that a 215 Covenant be granted requiring joint driveway access to all new lots fronting on Gilley Avenue in order to reduce the number of accesses on to a stretch of Gilley Avenue previously identified with steep grades and near a somewhat blind curve.

  
D. G. Stenson  
Director Planning and Building

BW:gk  
Attach

cc: City Clerk  
City Solicitor

REZONING #27/96

SCHEDULE "A"

ADDRESSES AND LEGAL DESCRIPTIONS

8640 GILLEY

LEGAL: LOT 7, D.L. 159, PLAN 2014

8648 GILLEY

LEGAL: LOT 6, D.L. 159, PLAN 2014

8656 GILLEY

LEGAL: LOT 5, EXCEPT: PCL "A"(REF.PLAN 3004), D.L. 159, PLAN 2014

8662 GILLEY

LEGAL: PCL. "A"(REF.PLAN 3341) LOT 4, D.L. 159, PLAN 2014

8674 GILLEY

LEGAL: PCL. "C"(REF.3395) LOT 3, D.L. 159, PLAN 2014

LOT 3 EXCEPT:FIRSTLY PCL. "C"(REF. PLAN 3395); SECONDLY:PCL "A"(REF.PLAN 3527);  
THIRDLY: PCL. "B"(PLAN WITH CHARGE DEPOSITED 31866C), D.L. 159, PLAN 2014

8680 GILLEY

LEGAL: PCL. "A"(REF. PL. 3307) OF LOT 2, D.L. 159, PLAN 2014

8724 GILLEY

LEGAL: LOT "A" D.L. 159, PLAN 3992

5925 MARINE DRIVE

LEGAL: LOT "B", D.L. 159, PLAN 3992

5953 MARINE DRIVE

LEGAL: PCL. "D"(REF. PLAN 2807) LOT 2, D.L. 159, PLAN 2014

5963 MARINE DRIVE

LEGAL: PCL. "C"(REF. PLAN 1342) OF LOT 2, D.L. 159, PLAN 2014

5973 MARINE DRIVE

LEGAL: PCL. "A"(REF.PLAN 3527) LOT 3, D.L. 159, PLAN 2014

5983 MARINE DRIVE

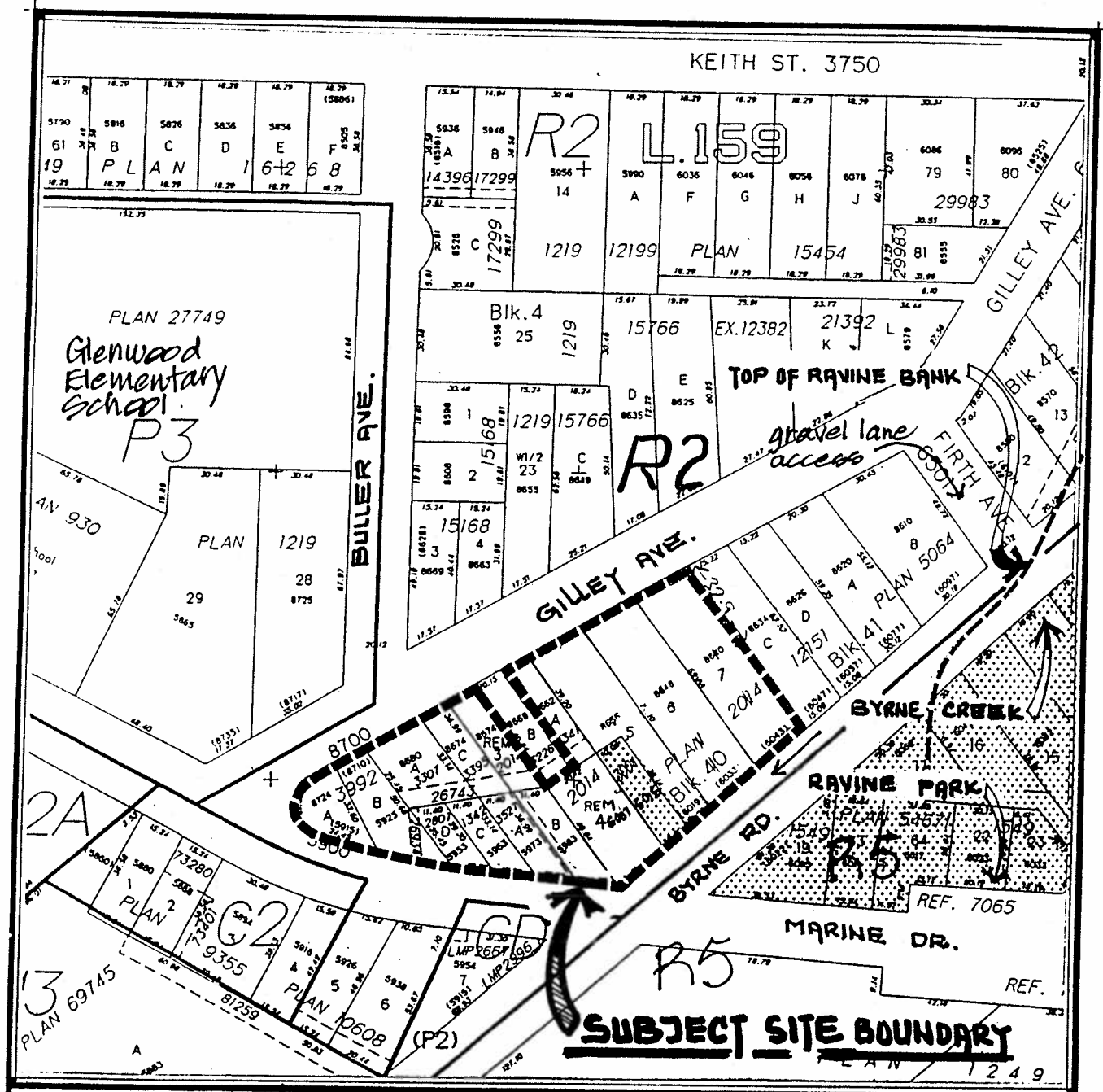
LEGAL: PCL. "B"(REF.PLAN WITH CHARGE DEPOSITED NO. 31866C) LOT 3, D.L. 159, PLAN 2014

6007 BYRNE ROAD

LEGAL: LOT 4, EXCEPT: FIRSTLY: PCL. "B"(REF.PLAN 3226) SECONDLY: PCL. "A"(REF.PLAN 3341);  
D.L. 159, PLAN 2014

6015 BYRNE ROAD


LEGAL: LOT 5, D.L. 159, PLAN 2014




Date:  
July 1996

Scale:  
1:2000

Drawn By:  
J.F.C.


 City of Burnaby  
 Planning & Building Dept.


 - CITY OWNED PROPERTY -

**REZONING REFERENCE # 27/96**

SKETCH # 1

