

TO: CITY MANAGER
FROM: DIRECTOR PLANNING AND BUILDING
SUBJECT: REZONING REFERENCE #98-13
MOSQUE DEVELOPMENT

1998 SEPTEMBER 23

ADDRESS: 5060 Canada Way (see attached Sketch #1)

LEGAL: Lot 172, D.L. 85, Group 1, NWD, Plan 41000

FROM: R4 Residential District

TO: CD Comprehensive Development District (based on P5 Community Institutional District guidelines and in accordance with the development plan entitled "Burnaby Mosque Project" prepared by Studio Senbel)

APPLICANT: Arlington Group
800 - 626 W. Pender Street
Vancouver, BC V6B 1V9
Attention: Mr. Graham Farstad

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 1998 October 27.

RECOMMENDATIONS:

1. **THAT** the introduction of a Highway Exchange Bylaw be authorized according to the terms outlined in Section 3.2 of this report contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 1998 October 5 and to a Public Hearing on 1998 October 27 at 7:30 p.m.
3. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The deposit of sufficient monies to cover the costs of all services necessary to serve the site 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.

- c) 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.
- d) The consolidation of the net project site into one legal parcel.
- e) The granting of any necessary easements and covenants.
- f) The dedication of any rights-of-way deemed requisite.
- g) The retention of a grouping of Big Leaf Maples on the site as noted in section 3.4 of the report, their protection by registration of a Section 219 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.
- h) The approval of the Ministry of Transportation and Highways to the rezoning application.
- i) Completion of the Highway Exchange Bylaw.
- j) The submission of a suitable engineered design for an approved on-site sediment control program.
- k) The submission of a landscape plan for planting on the City property adjacent Deer Lake Brook and the deposit of sufficient monies to provide for the compensatory planting, in accordance with Section 3.5 of this report.

R E P O R T

1.0 REZONING PURPOSE

The purpose of the proposed rezoning amendment bylaw is to permit the development of a mosque.

2.0 BACKGROUND INFORMATION

2.1 On 1998 May 25 Council adopted the following three recommendations regarding the subject rezoning proposal:

1. **THAT** Council approve an amendment to the Area Plan to permit institutional development of the subject site in line with this report.
2. **THAT** Council authorize the Planning and Building Department to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.
3. **THAT** a report be submitted to the Parks and Recreation Commission for consideration of the proposed new boundary for Deer Lake Brook Parkway, once further details have been resolved.

2.2 The subject site is located within the Council-adopted Canada Way - Clayton Avenue Area Plan (see **attached** Sketch #2). The site was designated for R9 District small lot residential development prior to Council adopting recommendation #1 above.

The 1998 May 25 Council report noted that the Area Plan would need to be amended and that in addition to reflecting the institutional use of the site, the Area Plan would need to show a modified subdivision layout and road pattern. It was also concluded that if development were to occur in Phase II and Phase III of this sub-area, additional lands would need to be protected adjacent to Deer Lake Brook. That report provided some preliminary recommendations regarding modifying the Deer Lake Brook Parkway boundary.

2.3 On 1998 July 8 a report was submitted to the Parks and Recreation Commission on the proposed adjustment to the boundary of Deer Lake Brook Parkway (see **attached** Sketch #3). The park boundary is based on two general park requirements/criteria.

The first requirement is to provide an adequate buffer/non disturbance zone around Deer Lake Brook to protect this natural amenity, which has a significant role in the ecosystem, flowing from Deer Lake and feeding into Burnaby Lake. The park boundary is based on a 30 meter setback from the top of the easterly bank of Deer Lake Brook, with two modifications and the inclusion of all the properties between Sperling Avenue and the Brook and between Claude Avenue and the Trans Canada Highway included in the Parkway.

The first modification, which was noted in the 1998 May 25 Council report reflects existing property lines, with the unopened lane allowance abutting the northern property line included

in the subject rezoning site and the entire City owned property at 4931 Claude Avenue to be retained as part of the parkway. The second modification involves increasing the setback from the easterly bank of Deer Lake Brook north of Claude Avenue to 35 meters in order to accommodate the park trail discussed below.

The second requirement relates to the provision of a buffer for the single family residential lots in Phase 2 and Phase 3 and the continuation of the park trail shown on the Area Plan and incorporated into Phase 1. The portion of the park area which runs east of the Brook, parallel to the Freeway, to the existing Claude Avenue right-of-way would be approximately 20 meters (66 ft.) wide, which is the same as that shown on the adopted Area Plan and incorporated into Phase 1. This portion of the buffer/trail system boundary is generally unchanged from the Area Plan adopted by Council, however, greater detail has been worked out on the park buffer/trail strip.

At that time, the Parks and Recreation Commission approved the adjustment to the boundary of Deer Lake Brook Parkway. The subdivision layout and road pattern for R9 District small lot residential development of this portion of the Canada Way - Clayton Avenue Area Plan has been modified to reflect the institutional use of this site and the approved park boundary adjustment, and to provide an appropriate interface with the non-residential areas.

2.4 The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

3.0 GENERAL COMMENTS

3.1 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site. The servicing requirements will include, but not necessarily be limited to the construction of a separated sidewalk and curb on the subject side of Canada Way.

3.2 In connection with this rezoning, road widening dedication along Canada Way of 5.2 meters tapering down to 4 meters, with a 0.5 meter cut/fill easement and a 4.6m by 4.6m corner truncation will be required. The lane allowance abutting the north property line and the dedication would be the subject of a Highway Exchange Bylaw, with no exchange of monies involved.

3.3 The applicant will be required to submit a detailed plan of an engineered Sediment Control System for review by Environmental Services, Engineering Department.

3.4 A survey plan of the property has revealed that the significant rows of mature trees along both the north and east property lines, which help to define the site and provide a visual screen are almost completely on the abutting properties or right on the property line. All

appropriate measures will be taken to ensure the protection of these trees during the course of site and construction work. The significant trees that are on the site which need to be protected are a grouping of Big Leaf Maples at the northwest corner of the property, which will also be protected by the registration of a Section 219 Covenant.

- 3.5 This type of development is exempted from the GVS&DD Sewerage Development Cost Charge.
- 3.6 The “Land Development Guidelines for the Protection of Aquatic Habitats”, which was developed by the Federal Department of Fisheries and Oceans (DFO) and the B.C. Ministry of Environment, Lands and Parks (MOELP) recommend the establishment of a 30 meter leave strip for institutional developments adjacent to watercourses.

In light of the existence of the row of conifers along the north property line, the existence of a driveway and single-family dwelling between the Brook and the row of conifers on the property to the north, as well as this being considered a redevelopment site, DFO and MOELP have concurred with defining the development boundaries through the protection of the row of trees discussed in Section 3.4 above, subject to two conditions. The first condition is confirmation of the designation of the overall park area shown on Sketch #3.

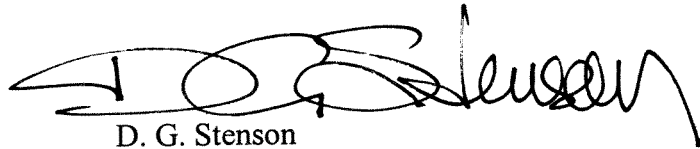
The second condition is the provision of compensatory planting elsewhere within Deer Lake Brook Parkway in lieu of development in the northwest corner of the subject site being within 30 meters of Deer Lake Brook. In this regard, the applicant will be required to submit a landscape plan for planting on City property adjacent Deer Lake Brook to the satisfaction of the Parks and Recreation Department and the deposit of sufficient monies to provide for the compensatory planting.

4.0 DEVELOPMENT PROPOSAL

4.1 The plan of development is for a two-storey mosque, which features a 21.9m (71.8 ft.) high minaret and an interior courtyard, with a pedestrian entrance off Canada Way. The parking is largely under the building and underground. Due to the slope of the site down towards the northeast corner, the parking level is underground along Canada Way and Sperling Avenue, but partially exposed along the north and east property lines.

4.2	Gross Site: (including unopened road allowance)	2,489.7m ²	(26,800 sq. ft.)
	Net Site:	2,210.9m ²	(23,798.7 sq. ft.)

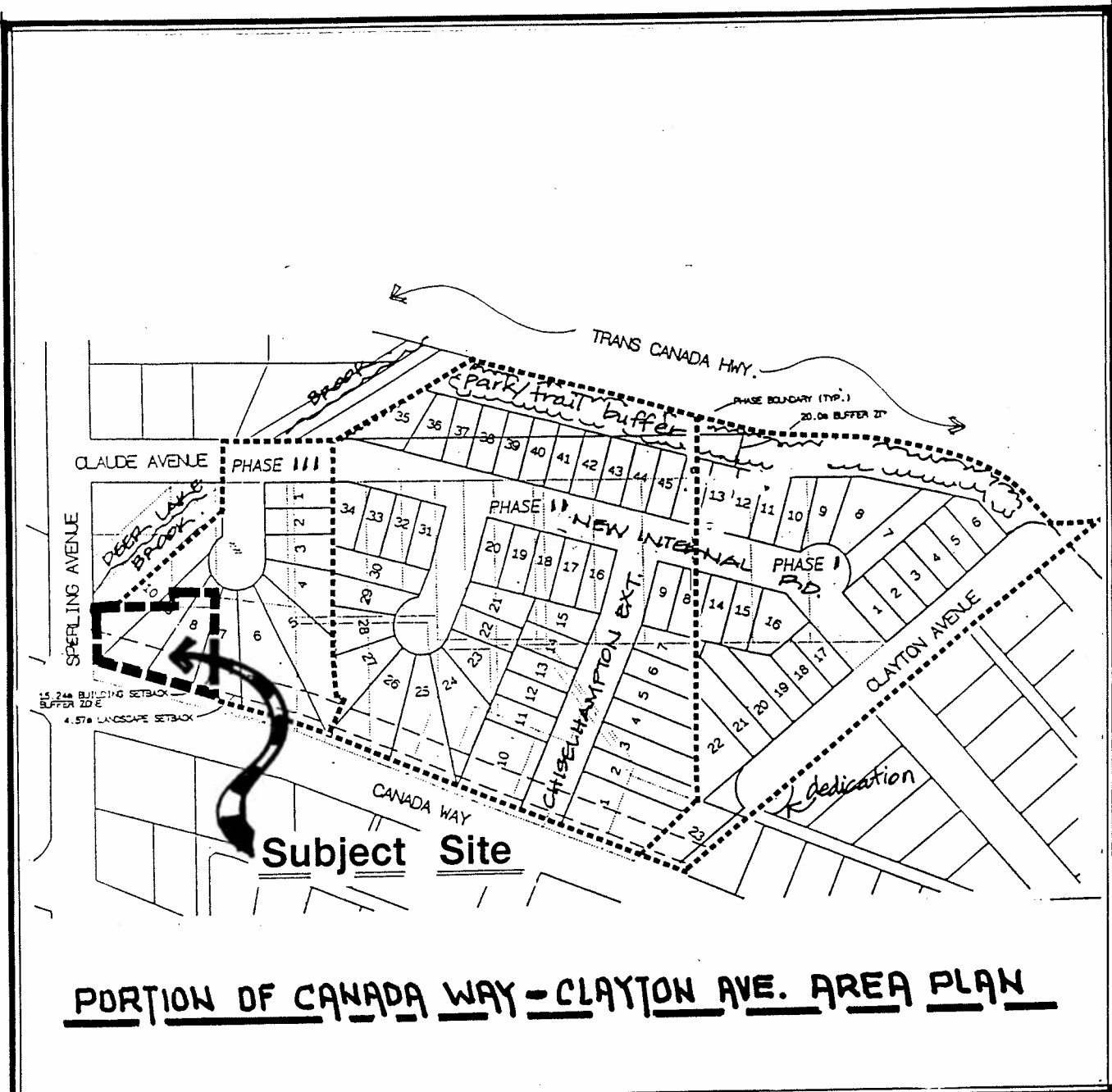
	Site Coverage Permitted and Shown:	40%	
4.3	Total Floor Area:	1,419.4m ²	(15,278.7 sq. ft.)
	Maximum Building Height Permitted:	12m (39.37 ft.)	or 2 storeys
	Building Height Shown:	9.9m (32.4 ft.)	- 2 storeys
4.4	Parking Required and Shown:	44 spaces	



D. G. Stenson
Director Planning and Building

BW:yr
Attach
a:\rz98-13pubhrg.rpt

cc: Director Engineering
Director Parks, Recreation and Cultural Services
City Clerk

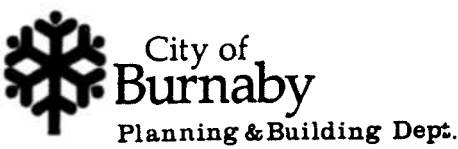


PORTION OF CANADA WAY - CLAYTON AVE. AREA PLAN

Date:
May 1998

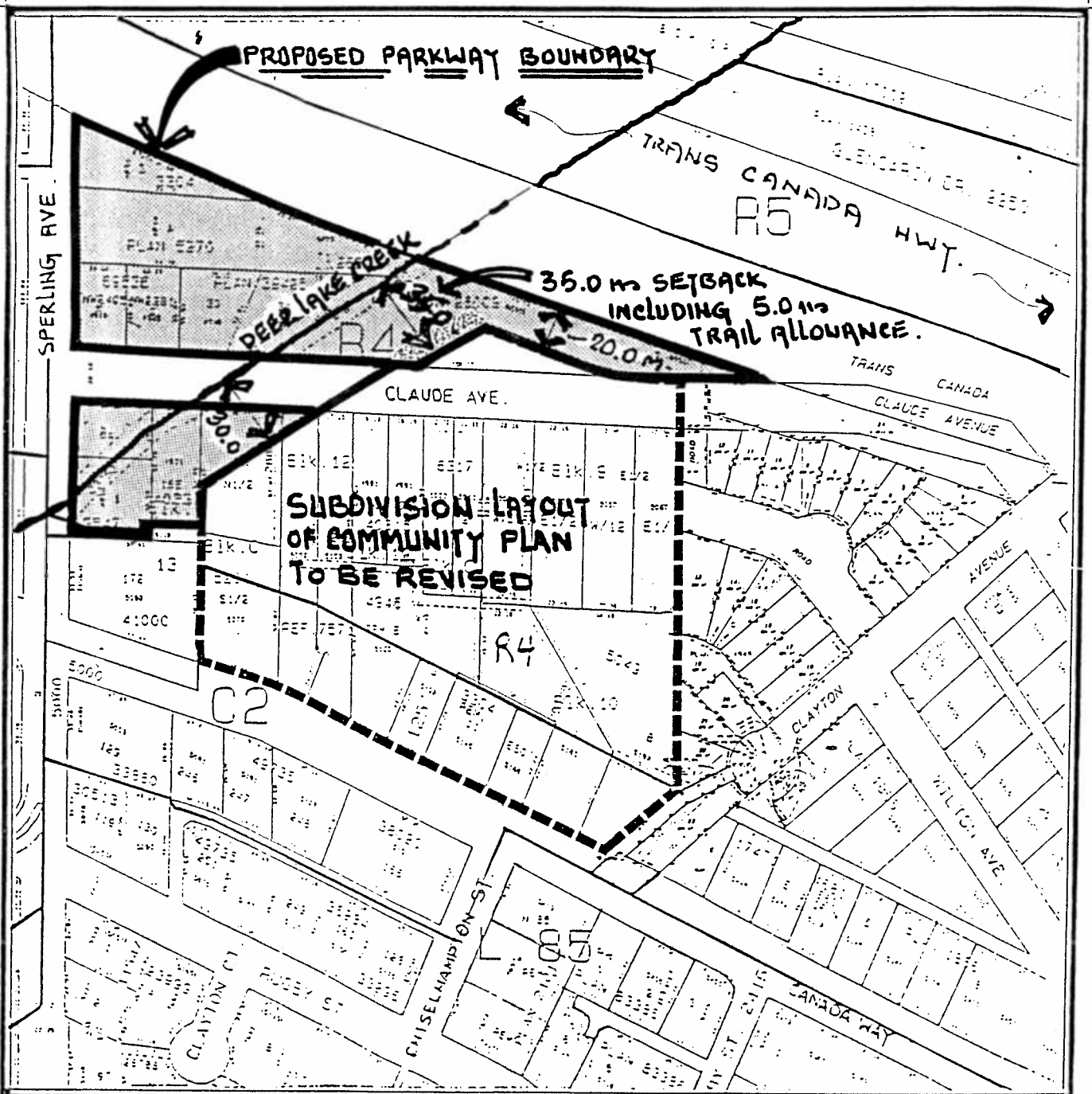
Scale:
N.T.S.

Drawn By:
J.P.C.



Rezoning Reference 98 - 13

Sketch # 2



Date:
July 1998

Scale:
N.T.S.

Drawn By:
J.P.C.



City of
Burnaby
Planning & Building Dept.



North

PROPOSED DEER LAKE CREEK PARKWAY BOUNDARY

Sketch # 3

