



INTER-OFFICE COMMUNICATION

TO: CITY CLERK

2015 August 19

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #14-03
AMENDMENT BYLAW NO. 44, 2014; BYLAW #13432
Five Storey Mixed-Use Development
Third Reading

ADDRESS: 4295 Hastings Street

LEGAL: Parcel "A", DL 121, Group 1, NWD Reference Plan 79414

FROM: C8 Urban Village Commercial District (Hastings)

TO: CD Comprehensive Development District (C8 Urban Village Commercial District and in accordance with the development plan entitled, "Mixed-Use Commercial and Residential Development – 4295 Hastings Street, Burnaby, BC" prepared by Chris Dikeakos Architects Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2014 December 08;
- b) Public Hearing held on 2015 January 27; and,
- c) Second Reading given on 2015 February 02.

The prerequisite conditions have been partially satisfied as follows:

- a) The submission of a suitable plan of development.
 - *A virtually complete suitable plan of development has been submitted. A few remaining details will be resolved prior to Final Adoption*
- b) The deposit of sufficient monies, including a 4% Engineering Inspection Fee 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.

- *The applicant has submitted engineering design drawings for review and has agreed in a letter dated 2015 August 18 to deposit the necessary funds including 4% inspection fees and complete the servicing agreement prior to Final Adoption.*
- 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.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 August 18.*
- d) The granting of any necessary statutory rights-of-way, easements and/or covenants including:
 - a Section 219 Covenant restricting enclosure of balconies;
 - a Section 219 Covenant ensuring all disabled parking spaces remain as common property;
 - a Section 219 Covenant ensuring compliance with the approved acoustic study;
 - a 3x3 m corner truncation; and,
 - a 1.3 m Statutory Right of Way on Hastings Street.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 August 18 and the required covenants and statutory rights-of-way have been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- e) The pursuance of Storm Water Management Best Practices in line with established guidelines, and the granting of a Section 219 Covenant to ensure continued maintenance.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 August 18. The required covenant has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- f) The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has submitted engineering design drawings, and has agreed to this prerequisite in a letter dated 2015 August 18.*
- g) The submission of a Site Profile and resolution of any arising requirements.
 - *The applicant has submitted the required Site Profile which is being processed to determine if remediation measures are required.*

- h) The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and a commitment to implement the recycling provisions.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2015 August 18 committing to implement the recycling provisions.*
- i) Compliance with the guidelines for surface and underground parking for residential visitors and commercial patrons.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 August 18.*
- j) Compliance with Council-adopted sound criteria.
 - *The applicant has submitted an acoustical study which has been accepted by the Engineering Environmental Services Division and submitted a letter dated 2015 August 18 agreeing to comply with the Council-adopted sound criteria.*
- k) The undergrounding of existing overhead wiring abutting the site.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 August 18.*
- l) The submission of a detailed comprehensive sign plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 August 18.*
- m) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 August 18 and the funds will be deposited prior to Final Adoption.*
- n) The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 August 18 and the funds will be deposited prior to Final Adoption.*
- o) The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 August 18 and the funds will be deposited prior to Final Adoption.*

p) The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.

- *The applicant has provided a letter of undertaking dated 2015 August 18 and the on-site area plan notification sign is in place.*

As the prerequisite conditions to this rezoning are now substantially complete, could you please arrange to return this amendment bylaw to Council for Consideration and Third Reading on 2015 August 24, with Reconsideration and Final Adoption to follow when the prerequisites are completely fulfilled and Planning notifies you to that effect.

A copy of the Public Hearing minutes for this rezoning application is ***attached*** for information.


Lou Pelletier, Director
PLANNING AND BUILDING

DR:spf

Attachment

cc: City Manager
Director Finance

**BURNABY ZONING BYLAW 1965
AMENDMENT BYLAW NO.44, 2014 - BYLAW NO. 13432**

Rez. #14-03

4295 Hastings Street

Parcel "A", DL 121, Group 1, NWD Reference Plan 79414

From: C8 Urban Village Commercial District (Hastings)

To: CD Comprehensive Development District (C8 Urban Village Commercial District and in accordance with the development plan entitled, "Mixed-Use Commercial and Residential Development – 4295 Hastings Street, Burnaby, BC" prepared by Chris Dikeakos Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a five-storey mixed-use development, with commercial/retail at grade, and residential uses above.

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2015 January 25 was received from Katy Weston, and letters dated 2015 January 27 from Ian Mothersill, Fran and John Tanner, Lili Deng, Sunita Romeder, and Barbara Grant, #107, 108, 109, 112, 202, and 303-4272 Albert Street, Burnaby were received expressing concern regarding the rezoning application. The writers requested that a shadow study be conducted to minimize the loss of natural light to adjacent properties. In the absence of a shadow study, the writers requested the height of the proposed development be limited to four storeys along the back lane area.

Letters dated 2015 January 26 or 27 were received from Ronaye Matthew and Joyce Cameron, 102 and 402-4272 Albert Street, Burnaby expressing concern regarding the rezoning application. The writers requested that a shadow study be conducted and noted the importance of maintaining access to sunlight for the courtyards, gardens and solar panels in the Cranberry Commons multi-family development.

A letter dated 2015 January 26 was received from Allan Davison, 401-4272 Albert Street, Burnaby expressing concern regarding the rezoning application. The writer noted the importance of balancing the interests between residents in a liveable suburban home and businesses in the community.

A letter dated 2015 January 26 was received from Barbara Henn-Pander, 111-4272 Albert Street, Burnaby expressing concern regarding the rezoning application particularly in relation to the loss of sunlight in her backyard. The writer requested that consideration be given to terracing the proposed development to lessen the loss of sunlight. The writer also requested that consideration be given to enlivening the proposed pedestrian pass-through space.

A second letter dated 2015 January 25 was received from Ian Mothersill, 108-4272 Albert Street, Burnaby inquiring regarding plans to pave the laneway behind and reconstruct the sidewalk around the proposed development.

A letter dated 2015 January 27 was received from Marlene Leggatt, 101-4272 Albert Street, Burnaby expressing concern regarding the rezoning application particularly in relation to the height of the proposed building along the back lane, the impact of shadowing on the Cranberry Commons development and the increase in traffic in the lane.

Tim Bartoo, 110-4272 Albert Street, Burnaby appeared before Council expressing concern regarding the height of the proposed building and the impact of shadowing on the Cranberry Commons residential development.

In response to the speaker's comments, the Director Planning and Building noted the dimensional height of the proposed building complies with the current zoning. He also noted the shadow study indicated that during the growing season, shadowing should not negatively impact the Cranberry Commons community garden.

Sean Pander, 111-4272 Albert Street, Burnaby appeared before Council expressing concern regarding the height of the proposed development and the impact of shadowing on the Cranberry Commons development. The speaker noted if the height of the building is not restricted to four storeys, then the top floor of the building should be further setback from the lane to minimize shadowing impacts.

Ksenia Barton, 204-4272 Albert Street, Burnaby appeared before Council expressing concern regarding the rezoning application in relation to the need for additional commercial parking spaces, the shadowing impact of the proposed development on the Cranberry Commons residential complex particularly during the winter months, and traffic congestion and safety in the lane.

Barbara Henn-Pander, 111-4272 Albert Street, Burnaby appeared before Council to reiterate the concerns raised in her previously noted letter. The speaker supported the request of a previous speaker for the top floor of the proposed building to be setback further from the lane to minimize shadowing impacts on the Cranberry Commons development. Ms. Pander noted terracing the proposed building from the alley would lessen the "fish bowl" feeling of having people almost directly overhead when she is in her backyard.

Lili Deng, 112-4272 Albert Street, Burnaby appeared before Council expressing concern regarding the shadowing impact of the proposed building on the Cranberry Commons development including the community gardens.

There were no further submissions received regarding Rezoning #14-03, Bylaw No. 13432.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR JORDAN:

“THAT this Public Hearing for Rez. #14-03, Bylaw No. 13432 be terminated.”

CARRIED UNANIMOUSLY