



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2015 September 23

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #12-11
AMENDMENT BYLAW NO. 18/14; BYLAW #13351
Five Storey Mixed-Use Development
Third Reading

ADDRESS: 4354 Hastings Street

LEGAL: Lot 63, DL 121, Group 1, NWD Plan 66565

FROM: C8a Urban Village Commercial District (Hastings)

TO: CD Comprehensive Development District (based on C8a and C8f Urban Village Commercial District (Hastings), Hastings Street Area Plan guidelines, and in accordance with the development plan entitled, "Mixed-Use Commercial and Residential Development – 4356 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 June 09;
- b) Public Hearing held on 2014 June 24; and,
- c) Second Reading given on 2014 July 07.

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 April 27 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 April 27.*
- d) The removal of all existing improvements from the site prior to Final Adoption of the Bylaw, but not prior to Third Reading of the Bylaw.

Demolition of any improvements will be permitted after Second Reading of the Rezoning Bylaw has been granted provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse and vandalism.


- *The applicant has agreed to this prerequisite in a letter dated 2015 April 27 and the site is now vacant.*
- e) The granting of any necessary statutory rights-of-way, easements and/or covenants.
 - *The requisite statutory rights-of-way and covenant plans have been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- f) The granting of a Section 219 Covenant restricting enclosure of balconies and ensuring all disabled parking spaces remain as common property.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 April 27 and the required covenants have been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- g) 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 April 27. The required covenant has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*

- h) The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 April 27.*
- i) 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.*
- j) 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 April 27 committing to implement the recycling provisions.*
- k) 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 April 27.*
- l) 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 April 27 agreeing to comply with the Council-adopted sound criteria.*
- m) The undergrounding of existing overhead wiring abutting the site.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 April 27 and will deposit the necessary funds prior to Final Adoption.*
- n) The submission of a detailed comprehensive sign plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 April 27.*
- o) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2015 April 27 to make the necessary deposits prior to Final Adoption.*
- p) The deposit of the applicable GVS & DD Sewerage Charge.

- *The applicant has agreed in a letter dated 2015 April 27 to make the necessary deposits prior to Final Adoption.*
- q) The deposit of the applicable School Site Acquisition Charge.
- *The applicant has agreed in a letter dated 2015 April 27 to make the necessary deposits prior to Final Adoption.*
- r) 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 April 27 and the 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 September 28, 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. 18, 2014 - BYLAW NO. 13351**

Rez. #12-11

4354 Hastings Street

Lot 63, DL 121, Group 1, NWD Plan 66565

From: C8a Hastings Urban Village Commercial District

To: CD Comprehensive Development District (based on C8a and C8f Hastings Urban Village Commercial District, Hastings Street Area Plan guidelines, and in accordance with the development plan entitled, "Mixed-Use Commercial and Residential Development – 4356 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 and office uses above.

The Advisory Planning Commission advised it supports the rezoning application.

Dave Taylor, 4787 Pender Street, Burnaby, Chairman of the Royal Canadian Legion Hall Branch 148 Redevelopment Committee, appeared before Council supporting the rezoning application.

There were no further submissions received regarding Rezoning #12-11, Bylaw No. 13351.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing for Rez. #12-11, Bylaw No. 13351 be terminated."

CARRIED UNANIMOUSLY