



INTER-OFFICE COMMUNICATION

TO: CITY CLERK **DATE:** 2017 October 11

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #12-04**
BYLAW 13683, AMENDMENT BYLAW NO. 51/2016
Four-Storey Mixed-Use Development
Third Reading

ADDRESS: 5289, 5309, and 5355 Lane Street

LEGAL: Schedule A (*attached*)

FROM: M4 Special Industrial District and CD Comprehensive Development District (based on C9 Urban Village Commercial District and Royal Oak Community Plan guidelines and in accordance with the development plan entitled "Lane Street Phase 1 5369/5401/5437 Lane Street Burnaby B.C." prepared by Cornerstone Architecture)

TO: CD Comprehensive Development District (based on C9 Urban Village Commercial District and Royal Oak Community Plan guidelines and in accordance with the development plan entitled "Lane 2 'eternity' 5309 Lane Street Burnaby B.C." prepared by Cornerstone Architecture)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2016 November 21;
- b) Public Hearing held on 2016 December 13; and,
- c) Second Reading given on 2017 January 23.

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 2017 October 04 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 2017 October 04.*
- d) The submission of an undertaking to remove all existing improvements from the site prior to or within six months of the rezoning bylaw being effected. Demolition of any improvements will be permitted at any time, provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Second Reading, Third Reading and/or Final Adoption of the Rezoning Bylaw.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 October 04.*
- e) The undergrounding of existing overhead wiring abutting the site.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 October 04.*
- f) The consolidation of the net project site into one legal parcel.
 - *The requisite subdivision plan of consolidation has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- g) 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*
- h) The granting of any necessary Section 219 Covenants including, but not limited to, a restriction on the enclosure of balconies; provision and maintenance of electric vehicles; that all handicap accessible stalls remain as common property; and ensuring compliance with the submitted acoustical analysis.
 - *The requisite covenant plans have been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- i) A noise study is required to ensure compliance with the Council-adopted sound criteria.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 October 04 and the necessary provisions are indicated on the development plans.*

- j) Compliance with the guidelines for underground parking for residential visitors.
- *The applicant has agreed to this prerequisite in a letter dated 2017 October 04 and the necessary provisions are indicated on the development plans.*
- k) The provision of a covered car wash stall and 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 applicant has agreed to this prerequisite in a letter dated 2017 October 04 and the necessary provisions are indicated on the development plans.*
- l) The provision of a suitable on-site stormwater management system to the approval of the Director Engineering, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.
- *The applicant has agreed to this prerequisite in a letter dated 2017 October 04. A suitable on-site stormwater management system will require approval of the Director Engineering, the required covenant will be deposited in the Land Title Office and the required funds to guarantee this provision will be deposited prior to Final Adoption.*
- m) The design and provision of units adaptable to persons with disabilities and the provision of customized hardware and cabinet work being subject to the sale/lease of the unit to a disabled person, with allocated disabled parking spaces protected by a Section 219 Covenant.
- *This provision is indicated on the development plans and the applicant has submitted a letter dated 2017 October 04 agreeing to meet this prerequisite. The required covenant will be deposited in the Land Title Office and the required funds to guarantee this provision will be deposited prior to Final Adoption.*
- n) 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.*
- o) The review of a detailed Sediment Control System by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2017 October 04.*
- p) The provision of facilities for cyclists in accordance with Section 4.6 of the rezoning report.
- *This provision is indicated on the development plans and the applicant has submitted a letter dated 2017 October 04 agreeing to meet this prerequisite.*

- q) The submission of a detailed comprehensive sign plan.
- *The applicant has agreed to this prerequisite in a letter dated 2017 October 04.*
- r) The deposit of the applicable Parkland Acquisition Charge.
- *The applicant has agreed in a letter dated 2017 October 04 to make the necessary deposits prior to Final Adoption.*
- s) The deposit of the applicable GVS & DD Sewerage Charge.
- *The applicant has agreed in a letter dated 2017 October 04 to make the necessary deposits prior to Final Adoption.*
- t) The deposit of the applicable School Site Acquisition Charge.
- *The applicant has agreed in a letter dated 2017 October 04 to make the necessary deposits prior to Final Adoption.*
- u) 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 2017 October 04 and the area plan notification signs are 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 2017 October 16, 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

SMN:eb

Attachments

cc: City Manager

REZONING REFERENCE #12-04
SCHEDULE "A"

5289 Lane Street	The West Half Of Lot 30, DL 94, Group 1, NWD Plan 720
5309 Lane Street	Strata Lot 1, DL 94, Group 1, NWD Strata Plan LMS527 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1
5355 Lane Street	Lot A, DL 94, Group 1, NWD Plan EPP34619

**Burnaby Zoning Bylaw 1965,
Amendment Bylaw No. 51, 2016 - Bylaw No. 13683**

Rez . #12-04

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The purpose of the proposed zoning bylaw amendment is to permit the construction of a four-storey mixed-use development with full underground parking, comprised of at grade commercial fronting Lane Street with residential uses behind and above.

The Advisory Planning Commission advised it supports the rezoning application.

One letter was received in response to the proposed rezoning application:

Jianing Liu and Yuping Zhao, PH20 - 5288 Grimmer Street, Burnaby

No speakers appeared before Council in support or opposition to the proposed zoning bylaw amendment.

**MOVED BY COUNCILLOR JOHNSTON
SECONDED BY COUNCILLOR CALENDINO**

THAT this Public Hearing for Rez. #12-04, Bylaw #13683 be terminated.

CARRIED UNANIMOUSLY