



Item
Meeting 2018 May 28

COUNCIL REPORT

TO: CITY MANAGER 2018 May 23

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #12-11
Five-Storey Mixed-Use Development
Hastings Street Area Plan

ADDRESS: 4354 Hastings Street (see *attached* Sketches #1 and #2)

LEGAL: 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 Project – 4354 Hastings Street, Burnaby, BC" prepared by Chris Dikeakos Architects Inc.)

APPLICANT: Beedie Living
1730-1111 West Georgia Street
Vancouver, BC V6E 4M3
Attn: Ali Sarpoushan

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2018 June 26.

RECOMMENDATIONS:

1. **THAT** the predecessor Rezoning Bylaw, Amendment Bylaw No 18/14, Bylaw #13351, be abandoned contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. **THAT** Council support the requested amendment to the subject liquor primary licence, as described in Section 3.2 to 3.4 of this report.

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #12-11
Five Storey Mixed Use Development

2018 May 23..... Page 2

3. **THAT** a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch (LCLB), P.O. Box 9292, Stn. Provincial Government, Victoria, BC, V8W 9J8, and to the applicant, Beedie Living, 1730-1111 West Georgia Street, Vancouver, BC, V6E 4M3, Attn: Ali Sarpoushan.
4. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2018 June 11 and to a Public Hearing on 2018 June 26 at 7:00 p.m.
5. **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, 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.
 - 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 granting of any necessary statutory rights-of-way, easements and/or covenants.
 - e) The granting of Section 219 Covenants:
 - to restrict enclosure of balconies;
 - to ensure all disabled parking spaces remain as common property; and,
 - to ensure that licensed capacity and operating hours of the liquor primary use are maintained as described in Section 3.3 of this report.
 - f) 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.
 - g) The review of a detailed Sediment Control System by the Director Engineering.
 - h) The submission of a Site Profile and resolution of any arising requirements.

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #12-11
Five Storey Mixed Use Development

2018 May 23..... Page 3

- i) 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.
- j) Compliance with the guidelines for surface and underground parking for residential visitors and commercial patrons.
- k) Compliance with Council-adopted sound criteria.
- l) The undergrounding of existing overhead wiring abutting the site.
- m) The submission of a detailed comprehensive sign plan.
- n) The deposit of the applicable Parkland Acquisition Charge.
- o) The deposit of the applicable GVS & DD Sewerage Charge.
- p) The deposit of the applicable School Site Acquisition Charge.
- q) 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.

R E P O R T

1.0 REZONING PURPOSE

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

2.0 BACKGROUND

- 2.1 The subject site is located at 4354 Hastings Street (see Sketch #1 *attached*). The site was formerly occupied by the Royal Canadian Legion Hall #148, but is currently vacant. The Legion was originally constructed circa 1955 with numerous subsequent additions and renovations. The ground level was formerly used for the Legion's canteen (liquor licence establishment) and club and the second-storey was used as an auditorium and for offices. Commercial and mixed-use buildings are located to the west, north, and east of the

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #12-11
Five Storey Mixed Use Development

2018 May 23..... Page 4

subject site, including the four-storey mixed-use Tramonto and VanCity Branch 6 developments, which received occupancy in 2008 and 2011 respectively. Single-family homes are located to the south of the site across the lane.

- 2.2 Under a former applicant, the subject rezoning amendment was advanced to a Public Hearing on 2014 June 24, and was granted Third Reading on 2015 September 28. The current applicant, Beedie Living, has undertaken a comprehensive review of the previous design and has proposed a number of changes in order to create a more viable project. The proposed changes include relocating the Legion space to the ground floor under a general liquor primary licence (as opposed to a liquor primary club licence), replacing previously proposed office uses on the third and fourth storeys with residential uses, as well as exterior and interior design changes. The proposed changes necessitate a new public hearing. The changes proposed are considered supportable and suitable for presentation to a new Public Hearing.

3.0 GENERAL COMMENTS

- 3.1 The development proposal is for a five-storey mixed use project. The proposed form of development involves one level of retail/commercial, oriented towards Hastings Street, which includes a residential mezzanine facing the rear lane, and three storeys of residential above. Though the building height is five-storeys by virtue of the residential mezzanine within the first storey commercial component, the height of the proposed development is within the 16 m (52.5 ft.) dimensional height limit of the C8a District, with the exception of access to rooftop amenity areas. Vehicular access is proposed from the rear lane and all required on-site parking is proposed to be located underground. In accordance with the requirements of the C8a District, a lighted pedestrian walkway within a statutory right-of-way linking Hastings Street with the lane to the south is provided. This walkway will provide a convenient, alternate access for residents along Pender Street to the shops and services along Hastings Street during business hours.
- 3.2 With regard to the proposed mix of commercial uses, as noted above, the developer is proposing to re-establish a 2,400 sq.ft. liquor primary establishment on the ground floor to replace the previous Legion canteen. It is noted that the previous liquor primary club licence for the Legion permitted a total of 425 seats whereas the re-established space will permit a total of 50 seats. It is noted that the previous licence was for a club licence, whereas the new licence would be for a general liquor primary licence open to the general public. Details of the proposed liquor licence establishment include:
- a liquor primary licence on the ground floor;
 - a seating capacity of 50 interior seats which front onto Hastings Street;
 - a maximum person capacity of up to 65 persons (including patrons and staff); and,

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #12-11
Five Storey Mixed Use Development

2018 May 23..... Page 5

- proposed hours of liquor service from 11:00 a.m. to 12:00 a.m. Sunday to Thursday, and, 11:00 a.m. to 1 a.m. Friday and Saturday.

3.3 In order to permit the proposed liquor primary establishment, the inclusion of the C8 “f” zoning designation is required. The subject use must meet Council’s adopted criteria for assessing the location of new liquor primary establishments.

In order to satisfy Council adopted guidelines for assessing the location of new liquor primary establishments, as well as LCLB requirements in the consideration of new liquor licences, staff provide the following comments:

Council adopted guidelines for the assessment of new liquor primary establishments

3.3.1 Observance of a sufficient distance from, or physical separation from:

- *Existing liquor primary establishments*
- *Residential uses*
- *Schools*
- *Care facilities*
- *Other uses such as gaming facilities, cyber centres, amusement arcades and billiard halls*

The proposed liquor licence establishment is located within 400 m of a liquor primary establishment (the Old Admiral Pub). Given that the two establishments already coexisted without impacts to the community, the smaller size of the proposed liquor licence establishment, and the relative concentration of entertainment uses which include liquor service is generally expected within an Urban Village setting, staff do not anticipate any potential impacts with the establishment of the proposed liquor licence establishment in proximity to the existing pub.

The proposed liquor primary establishment would be located on the ground floor of a five-storey mixed-use development in a commercial context. It would also be adjacent to other multiple-family residential and mixed-use developments. Given the context of the proposed development where a mix of commercial, entertainment and residential uses are generally expected to coexist; the small size and nature of the proposed liquor licence establishment and the street orientation of the proposed patio toward Hastings Street; the proximity of the proposed liquor licence establishment to residential uses is not considered to be a cause for concern. It is also noted that all uses within the Heights are subject to the provision of the Burnaby Noise or Sound Abatement Bylaw.

The subject site is not proximate to any schools, care facilities and other uses such as gaming facilities, cyber centres, amusement arcades and billiard halls.

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #12-11
Five Storey Mixed Use Development

2018 May 23..... Page 6

3.3.2 Nature of proposed establishment (e.g. entertainment, outdoor patio, hours and person capacity).

As noted, the nature of the proposed establishment is as a liquor primary use operated by the Legion, with a maximum of 50 seats and a maximum capacity of 65 persons including staff. The requested hours of liquor service are 10 am to 12 am, Monday – Thursday, 11 am to 1 am Friday and Saturday and, 11 am to 12 am on Sunday. While the closing hours of the liquor service are considered appropriated and are consistent with the hours of other liquor primary establishments within the Urban Village, it is noted that on 2013 March 10, Council adopted a policy establishing 11 am as the standard earliest opening time for considering new requests to change the permitted hours of Liquor sales for liquor primary establishments. Therefore, permitted hours of the liquor service would be limited to 11 am to 12 am Sunday to Thursday and 11 am to 1 am on Friday and Saturdays.

3.3.3 Satisfaction of all parking requirements on site.

The proposed development has a total of 10 underground parking spaces to support the proposed liquor primary establishment, in line with the bylaw for the use.

3.3.4 Safe and convenient access for vehicular traffic to the site, as well as safe access for pedestrians to the liquor licence establishment.

Safe and convenient vehicular access to the development site is provided via the lane. Pedestrian access is also provided via Hastings Street.

3.3.5 Good proximity (within 250 meters) of public transit.

The development site is in proximity to a bus stop at Madison Avenue and Hastings Street.

In summary, given its location in the Hastings Street commercial corridor; and context for the proposed liquor primary establishment, its small size; and convenient and safe vehicular and transit access to the site, the proposed liquor primary establishment generally meets the Council adopted guidelines for liquor primary establishments.

3.4 The LCLB, as a part of its assessment process for liquor primary license applications, requests that local government provide comments on the additional following criteria:

3.4.1 The impact of noise on nearby residents

Given the nature of the proposed liquor primary establishment, staff do not anticipate any potential noise impacts beyond what would be otherwise expected in this location. Furthermore, information on the site's function as a public event and entertainment venue

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #12-11
Five Storey Mixed Use Development

2018 May 23..... Page 7

will be included in the disclosure statements for the residential units proposed on the property. It is noted that all uses within the proposed development are subject to the Burnaby Noise or Sound Abatement Bylaw.

3.4.2 The impact on the community if the application is approved.

The proposed liquor primary establishment is considered compatible with adjacent land uses, is supported by a range of commercial services and amenities, and is in proximity to transit. It is also noted that this establishment is replacing the former Legion Canteen and that there is a longstanding history of a liquor primary establishment at this location with no history of violations. Given the context of the proposed liquor licence establishment, its nature and relatively small size, staff do not anticipate any potential community impacts.

It is noted that the LCLB also requires that local government gather public input for the community within the immediate vicinity of the establishment. The Public Hearing process for this rezoning would be utilized to satisfy this provincial public input process, including written notice to residents/tenants and property owners within 30 m of the subject site and advertisement in two consecutive local newspapers. In addition, should the proposed rezoning advance, a separate liquor licence application (LLA) would be received by Council for consideration, concurrent with Final Adoption of the subject rezoning.

In summary, based on the criteria required by the LCLB, it is the opinion of staff that the “liquor primary” licence related to the proposed liquor licence establishment is supportable.

- 3.5 C8a regulations specify that the depth of floor areas developed above a pedestrian walkway that is required by the Zoning Bylaw must be between 12.19 m (40 ft.) to no more than one-half the depth of the building, in this case 14.6 m (47.8 ft.). The intent of this regulation is to minimize the enclosed effect of the walkway, which is permitted to be as narrow as 1 m (3.28 ft.). The subject development proposes floor areas above the walkway that extend the full depth of the building, which measures 26.8 m (88 ft.). This variance is considered supportable through the CD zoning of the site as it contributes to a stronger architectural design and Hastings Street wall. The proposed walkway is 2.43 m (8 ft.) wide off the rear lane, opening to a 7.92 m (26 ft.) plaza off Hastings Street as a spacious breezeway, well exceeding the minimum specified width. Portions of the walls of the breezeway are also noted to be glazed, allowing visual surveillance from the adjacent commercial lobby, and both ends of the walkway are proposed to be secured by decorative gates after business hours.
- 3.6 The proposed building projects into the upper storey 45 degree incline plane setback requirement of the Zoning Bylaw. Rather than terracing the upper storeys, the applicant

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #12-11
Five Storey Mixed Use Development

2018 May 23..... Page 8

is proposing standardized setbacks for all three upper residential floors. Based on adopted Council policy, this setback may be adjusted subject to CD Comprehensive Development rezoning. The proposed projection is considered supportable through CD zoning as it also contributes to a stronger street wall and a more urban Hastings Street interface. The design provides for modulated building massing with setbacks ranging from 2 m to 4.7 m (6.6 ft. to 15.5 ft.) as well as street fronting balconies on all residential floors. Finally, it is noted that the projection will not generate any shadowing impact on the public realm.

- 3.7 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 following:
- standard requirements for water main, sanitary sewers, and storm sewers;
 - provision of a new separated sidewalk on Hastings Street abutting the site, including boulevard treatment; and,
 - provision of new pedestrian lighting in the lane abutting the site.
- 3.8 An approximate 1.3 m statutory right-of-way along the Hastings Street frontage is required for sidewalk and boulevard improvements.
- 3.9 A statutory right-of-way for the lighted pedestrian walkway linking Hastings Street with the lane to the south is required.
- 3.10 Section 219 Covenants are required to restrict the enclosure of balconies and to ensure all disabled parking spaces remain as common property.
- 3.11 A Section 219 Covenant will be required to ensure that licensed capacity and operating hours are maintained as described in Sections 3.2 and 3.3 of this report, as well as any other required covenants.
- 3.12 Stormwater best management practices (BMPs) in line with established guidelines are required. A detailed list of the BMPs with their stormwater control, treatment, maintenance and performance must be approved by the Environmental Services Division and the document will be required to be registered under a Section 219 Covenant to ensure continued maintenance.
- 3.13 Detailed plans for an engineered Sediment Control System for review by the Director Engineering will be required.
- 3.14 A Site Profile and resolution of any arising requirements will be required.
- 3.15 As the site is influenced by traffic noise from Hastings Street, an acoustical report will need to be undertaken to ensure compliance with Council-adopted sound criteria.

To: City Manager
 From: Director Planning and Building
 Re: REZONING REFERENCE #12-11
 Five Storey Mixed Use Development

2018 May 23..... Page 9

- 3.16 Undergrounding of overhead wiring in the lane abutting the site will be required. If undergrounding is determined to be unfeasible, preducting and a cash deposit for future undergrounding will be required.
- 3.17 The submission of a comprehensive sign plan detailing sign numbers, locations, sizes, and attachment details will be required.
- 3.18 The following Development Cost Charges apply:
- Parkland Acquisition Charge of \$3.84 per sq.ft. of gross floor area for residential units;
 - School Site Acquisition Charge of \$700.00 per residential unit; and,
 - GVS & DD Sewerage Development Cost Charge of \$1,072 per apartment unit and \$0.93 per sq.ft. of commercial gross floor area.

4.0 DEVELOPMENT PROPOSAL

4.1 Site Area: - 1,742.6 m² (18,757 sq.ft.)
 (Subject to detailed survey)

4.2 Density:

Commercial Uses	-	0.39 FAR	682.8 m ²	(7,350 sq.ft.)
Liquor Primary Uses	-	0.13 FAR	223.0 m ²	(2,400 sq.ft.)
<u>Residential Uses</u>	-	<u>2.40 FAR</u>	<u>4,187.0 m²</u>	<u>(45,069 sq.ft.)</u>
Total	-	2.92 FAR	5,092.9 m ²	(54,819 sq.ft.)

Site Coverage - 75%

4.3 Height: - 5 storeys

4.4 Residential Unit Mix:

13	One bedroom units	-	64.2 – 78.4 m ²	(691 – 844 sq.ft.) per unit
2	Adaptable One bedroom units	-	71.9 m ²	(774 sq.ft.) per unit
15	Two bedroom units	-	96.1 – 111.2 m ²	(1043 – 1197 sq.ft.) per unit
5	Adaptable Two bedroom units	-	96.1 – 111.2 m ²	(1043 – 1197 sq.ft.) per unit
3	Three bedroom units	-	119.2 – 129.1 m ²	(1114 sq.ft.) per unit
<u>1</u>	<u>Adaptable Three bedroom unit</u>	-	<u>129.1 m²</u>	<u>(1390 sq.ft.) per unit</u>
39	Total Units			

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #12-11
Five Storey Mixed Use Development

2018 May 23.....Page 10

4.5 Parking

Required:

- **65 spaces**
- Commercial: 682.5 @ 1 space per 46 m² - 15 spaces
- Liquor primary use 50 seats @ 1 space per 5 seats - 10 spaces
- Residential @ 1.0 spaces per unit - 39 spaces (plus one car wash stall)

Provided:

- **91 spaces**
- Commercial - 15 spaces
- Liquor Primary - 10 spaces
- Residential - 65 spaces (including 2 visitor stalls plus one car wash stall)

4.6 Bicycle Parking – **58 spaces** Total Required and Provided

- Residential Uses - 39 secure spaces
- Commercial Uses - 8 secure spaces
- Visitor (All uses) - 11 spaces in racks

4.7 Loading – Total Required and Provided - **1 space**


Lou Pelletier, Director
PLANNING AND BUILDING

DR:eb

Attachments

cc: City Solicitor
City Clerk



