

INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2018 August 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #15-04**
AMENDMENT BYLAW NO. 52, 2016; BYLAW #13684
Four-Storey Mixed-Use Development
Capitol Hill Area Plan, Apartment Study 'B'
Third Reading

ADDRESS: 5521, 5523 and 5525 (Lots' 9 and 10) Hastings Street

LEGAL: Lots' 7, 8, 9 and 10, Block 80, DL 127, Group 1, Plan NWD 4953

FROM: C2 Community Commercial District

TO: CD Comprehensive Development District (C2 Community Commercial District, RM4 Multiple Family Residential District and the Apartment Study 'B' [Capitol Hill Plan] as guidelines, and in accordance with the development plan entitled "Alto on Capitol Hill" prepared by Vivid Green Architecture Inc.).

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 February 06.

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 2018 July 25 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 2018 July 25.*
- 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 2018 July 25.*
- e) The undergrounding of existing overhead wiring abutting the site.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 July 25 and will deposit the necessary funds prior to Final Adoption.*
- 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 and easements
 - *The requisite statutory rights-of-way, has 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:
 - restricting enclosure of balconies;
 - restricting uses permitted within the live-work components;
 - ensuring continued use of the outdoor amenity space for non-commercial recreational, social, or meeting space purposes only;
 - ensuring compliance with the approved acoustic study;
 - ensuring that handicap accessible parking stalls in the underground residential parking areas be held in common property to be administered by the Strata Corporation; and,

- Statutory Right of Way (1.0 m on Hastings Street, and a 3.0 m x 3.0 m corner truncation) for separated sidewalk and enhanced boulevard provisions.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 July 25 and the required covenant will be deposited in the Land Title Office prior to Final Adoption.*
- i) The provision of facilities for cyclists in accordance with Section 4.5 of the rezoning report.
 - *This provision is indicated on the development plans and the applicant has submitted a letter dated 2018 July 25 agreeing to meet this prerequisite.*
- j) 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 2018 July 25 agreeing to meet this prerequisite.*
- k) The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 July 25.*
- l) 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.*
- m) The pursuance of Storm Water Management Best Practices in line with established guidelines.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 July 25.*
- n) The submission of an acoustical study to ensure compliance with the Council-adopted sound criteria.
 - *An acoustic study has been submitted for review by the Engineering Environmental Services Division. Agreement by the applicant to comply with the Council-adopted sound criteria and an acceptable acoustic study will be achieved prior to Final Adoption.*
- o) Compliance with the guidelines for underground parking for residential visitors and commercial patrons.

- *This provision is indicated on the development plans and the applicant has submitted a letter dated 2018 July 25 agreeing to meet this prerequisite.*
- p) 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.
 - *This provision is indicated on the development plans and the applicant has submitted a letter dated 2018 July 25 agreeing to meet this prerequisite.*
- q) The submission of a suitable Solid Waste and Recycling plan to the approval of the Director Engineering.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter of undertaking dated 2018 July 25 committing to implement the solid waste and recycling provisions.*
- r) The submission of a detailed comprehensive sign plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 July 25.*
- s) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2018 July 25 to make the necessary deposits prior to Final Adoption.*
- t) The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2018 July 25 to make the necessary deposits prior to Final Adoption.*
- u) The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2018 July 25 to make the necessary deposits prior to Final Adoption.*
- v) 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 2018 July 25 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 2018 August 27, 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:tn

Attachment

cc: City Manager

**Burnaby Zoning Bylaw 1965,
Amendment Bylaw No. 52, 2016 - Bylaw No. 13684**

Rez. #15-04

5521, 5523, 5525 (Lots 9 and 10) Hastings Street

From: C2 Community Commercial District

To: CD Comprehensive Development District (C2 Community Commercial District, RM4 Multiple Family Residential District and the Apartment Study 'B' [Capitol Hill Plan] as guidelines, and in accordance with the development plan entitled "Alto on Capitol Hill" prepared by Vivid Green Architecture Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a four-storey mixed-use development with a live-work component.

The Advisory Planning Commission advised it supports the rezoning application.

No letters were received in response to the proposed rezoning application.

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. #15-04, Bylaw #13684 be terminated.

CARRIED UNANIMOUSLY