

INTER-OFFICE COMMUNICATION

TO: CITY CLERK **DATE:** 2021 October 20

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #19-03**
BYLAW 14235, AMENDMENT BYLAW NO. 42/2020
New Six-Storey Mixed-Use Development
Third Reading

ADDRESS: 3802 Hastings Street

LEGAL: Lot 58 District Lot 116 Group 1 New Westminster District Plan 63799

FROM: CD Comprehensive Development District (based on C8 Urban Village Commercial (Hastings) District)

TO: Amended CD Comprehensive Development District (based on C8r Urban Village Commercial (Hastings) District and Hastings Street Plan) as guidelines, and in accordance with the development plan entitled "S.U.C.C.E.S.S. 3802 Hastings St. Burnaby BC" prepared by dys architecture)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2020 November 09;
- b) Public Hearing held on 2020 November 24; and,
- c) Second Reading given on 2020 December 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 2021 September 20 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 2021 September 20.*
- d. The granting of any necessary statutory rights-of-way, easements and/or covenants in accordance with Section 4.0 of this report.
 - *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.*
- e. The registration of a Housing Agreement and Housing Covenant, and Council consideration and approval of a Housing Agreement Bylaw as described in Section 4.6 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2021 September 20.*
- f. The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2021 September 20 to make the necessary deposits prior to Final Adoption.*
- g. The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2021 September 20 to make the necessary deposits prior to Final Adoption.*
- h. The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2021 September 20 to make the necessary deposits prior to Final Adoption.*
- i. The deposit of the applicable Regional Transportation Development Charge.
 - *The applicant has agreed in a letter dated 2021 September 20 to make the necessary deposits prior to Final Adoption.*
- j. The provision of facilities for cyclists in accordance with Section 5.7 of the rezoning report.
 - *This provision is indicated on the development plans and the applicant has submitted a letter dated 2021 September 20 agreeing to meet this prerequisite.*

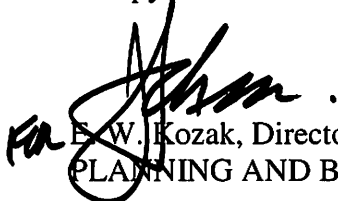
- k. An acoustical study is required to ensure compliance with the Council-adopted sound criteria.
- *The applicant has agreed to this prerequisite in a letter dated 2021 September 20.*
- l. Compliance with the guidelines for underground parking for residential visitors and commercial patrons.
- *The applicant has agreed to this prerequisite in a letter dated 2021 September 20 and the necessary provisions are indicated on the development plans.*
- m. The submission of a Site Profile and resolution of any arising requirements.
- *The applicant has submitted the required Site Profile/Site Disclosure Statement which is being processed to determine if remediation measures are required.*
- n. The submission of a detailed comprehensive sign plan.
- *The applicant has agreed to this prerequisite in a letter dated 2021 September 20.*
- o. The submission of a suitable on-site Stormwater Management System to the approval of the Director Engineering, and the granting of a Section 219 Covenant and deposit of sufficient monies to guarantee its provision and continuing operation.
- *The applicant has agreed to this prerequisite in a letter dated 2021 September 20. 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.*
- p. Compliance with the City's Groundwater Management for Multi-Family Development guidelines is required.
- *The applicant has agreed to this prerequisite in a letter dated 2021 September 20. A suitable on-site Groundwater Management Report 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.*
- q. The design and provision of units adaptable to persons with disabilities and the provision of customized hardware and cabinet work.
- *This provision is indicated on the development plans and the applicant has submitted a letter dated 2021 September 20 agreeing to meet this prerequisite.*

To: City Clerk
From: Director Planning and Building
Re: REZONING REFERENCE #19-03
2021 October 20 Page 4

- r. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- *This provision is indicated on the development plans and the applicant has submitted a letter dated 2021 September 20 agreeing to meet this prerequisite.*
- s. The provision of a public pedestrian walkway statutory right-of-way from from Hastings Street to the rear lane, and its construction to the approval of the Director Engineering.
- *The requisite statutory right-of-way plan has been submitted and will be deposited in the Land Title Office prior to Final Adoption. The applicant in a letter dated 2021 September 20 has agreed to this prerequisite and will deposit the required funds to guarantee provision of this facility prior to Final Adoption.*
- t. The review of a detailed Sediment Control System by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2021 September 20. A detailed Sediment Control System Plan has been submitted to the Climate Action and Energy Division for approval prior to Final Adoption.*

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 2021 October 25, 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.


E. W. Kozak, Director
PLANNING AND BUILDING

SMN:ll:spf
Attachment

cc: Chief Administrative Officer

BURNABY ZONING BYLAW 1965
AMENDMENT BYLAW NO. 42, 2020 - BYLAW NO. 14235

Rez. #19-03

3802 Hastings Street

From: CD Comprehensive Development District (based on C8 Urban Village Commercial (Hastings) District)

To: Amended CD Comprehensive Development District (based on C8r Urban Village Commercial (Hastings) District and Hastings Street Plan as guidelines, and in accordance with the development plan entitled "S.U.C.C.E.S.S. 3802 Hastings St. Burnaby BC" prepared by dys architecture)

Purpose: to permit the construction of a mixed-use affordable housing development, with commercial uses and ancillary child care and adult day care uses at grade

Applicant: dys architecture

13 letters were received in response to the proposed rezoning application:

1. Ravi Inder Singh, #308-3768 Hastings Street, Burnaby
2. Cory Yip, #30-3855 Pender Street, Burnaby
3. Katherine Reilly, #36-3855 Pender Street, Burnaby
4. Stephen Wu, 3920 Hastings Street, Burnaby
5. Mary Drpic, #903-3920 Hastings Street, Burnaby
6. Tim Wineberg, no address was provided
7. Gabriel Mark Hasselbach, #502-3811 Hastings Street, Burnaby
8. Tom Wong, #228-5701 Granville Street, Vancouver
(Property Manager on behalf of owners at 3855 Pender Street)
9. Michael Dowding, #38-3855 Pender Street, Burnaby
10. Ali Khansari, 3811 Hastings Street, Burnaby
11. Anthony John Troha, #510-3811 Hastings Street, Burnaby
12. Joanne Cavallo, #38-3855 Pender Street, Burnaby
13. Patricia Acthim, #104-3811 Hastings Street, Burnaby

The following speakers connected through the online webinar or teleconference in response to the proposed zoning bylaw amendment:

Michael Dowding, #38-3855 Pender Street, Burnaby, spoke in opposition to the proposed rezoning application. Mr. Dowding advised that he and many residents in the area have enjoyed the green space and requested that a park or plaza be incorporated into the design of the development. The speaker expressed concern regarding the number of units, and the subsequent increased congestion.

Isabal Kolic, 4019 Hastings Street, Burnaby, spoke on behalf of the Heights Merchants Association. The speaker advised that the Heights Merchants Association does support the development and requested the following considerations: a pedestrian crossing light at Esmond Avenue and Hastings Street; businesses on the ground level of the development; a more ethically pleasing design for the development; and a public parklette or plaza for residents and patrons to the neighbourhood.

Dino Dalla Valle, #28-3855 Pender Street, Burnaby, requested that Council consider retaining the space as a park for the residents.

Jason Tcheng, #33-3855 Pender Street, Burnaby, in opposition to the proposed rezoning application. The speaker expressed concern regarding the location of the parkade entrance which will negatively impact residents of 3855 Pender Street and requested that waste pick-up be located on Esmond Avenue. Mr. Tcheng advised that parking is limited and is concerned that 81 parking spots will not cover the needs of the proposed 100 units. Mr. Tcheng also expressed privacy concerns.

Elide Volpiana, #602-3920 Hastings Street, Burnaby, in opposition to the proposed rezoning application. Ms. Volpiana expressed concerns in regard to: safety of construction on top of the underground train tunnel; congestion and noise in the area; and loss of the green space.

Nancy Bart, #904-3920 Hastings Street, Burnaby, expressed concern regarding the safety of construction of the underground parkade over the train tunnel, and requested assurances that the development would be stable.

Wayne Carrigan, #36-3855 Pender Street, spoke in opposition to the proposed rezoning application. Mr. Carrigan expressed concern regarding the location of the parkade entrance. The speaker advised that the lane is narrow, which will result in congestion during construction, garbage pick-up, and delivery drop-offs and pick-ups. The speaker advised that his unit faces the lane and he will be subjected to increased noise and lights shining into his unit at all hours of the day. Mr. Carrigan requested that the parkade entrance be relocated to Esmond Avenue and that Council consider the requests made in a letter submitted on behalf of the strata.

Ali Khansari, 3811 Hastings Street, Burnaby, spoke in opposition to the proposed rezoning application. Mr. Khansari expressed concern regarding: the loss of the green space; increased traffic and parking issues; lack of infrastructure to support the development; and construction over the train tunnel.

John Katnich, 3915 Pender Street, Burnaby, spoke in opposition to the proposed rezoning application. Mr. Katnich expressed concern regarding the train tunnel and advised that no multi-family developments have been constructed over the tunnel in Burnaby.

Jack Fox, #402-3920 Hastings Street, Burnaby, spoke in opposition to the proposed rezoning application. The speaker expressed concerns regarding the loss of the greenspace, construction over the train tunnel, lack of retail space, and the width of the alley.

**Councillor Keithley left the meeting at 7:28 p.m. and returned at 7:34 p.m.*

Ravinder Singh, #308–3768 Hastings Street, Burnaby, spoke in opposition to the rezoning application. The speaker advised that the greenspace has improved the quality of life for residents in the area. The speaker also advised that traffic and parking issue will increase if the development is permitted.

Katherine Reilly, #36-3855 Pender Street, Burnaby, spoke in opposition of the proposed rezoning application. Ms. Reilly shared concerns with other speakers regarding the laneway and effects on the local community garden. The speaker requested that: the parkade entrance be relocated to Esmond Street; the lane be widen with the addition of a pedestrian pathway; and encourage retail space and a shared greenspace in the development.

Robert Capellano, #1601-3760 Albert Street, Burnaby, spoke in opposition to the rezoning application. Mr. Capellano expressed concerns regarding the loss of the greenspace, scale of development, increased traffic, and lack of retail space.

Sheila Franjkovic, was unable to connect via Zoom at this time.

Gabriel Hasselbach, #502-3811 Hastings Street, Burnaby, spoke in opposition to the proposed rezoning. The speaker advised that the proposal is too large for the area, initial proposal was for four stories. Mr. Hasselbach expressed concerns regarding: increased traffic congestion; narrow alley; train tunnel; and the loss of greenspace.

Michael Dowding, #38–3855 Pender Street, Burnaby, spoke for a second time in opposition to the proposed rezoning application. Mr. Dowding requested that the development be scaled down to make the community more livable for all residents.

Robert Capellano, #1601-3760 Albert Street, Burnaby, spoke for a second time, on behalf of Sheila Franjkovic, in response to the proposed rezoning application. Mr. Capellano advised that information regarding other developments in the area is germane to traffic congestion in the area.

Nicodemo Armeni, #208-3920 Hastings Street, Burnaby, spoke in opposition to the proposed rezoning application. The speaker expressed concern for pedestrians due to the high volume of vehicular traffic in the area and the loss of the greenspace.

Wayne Carrigan, #36-3855 Pender Street, Burnaby, spoke for a second time in opposition to the proposed rezoning application. Mr. Carrigan requested that Council gain a more accurate understanding of the close proximity of the building to the lane.

Mary Gleeson, #207-3740 Albert Street, Burnaby, spoke in support of the proposed rezoning application. The speaker advised that the site is not a designated park, and has long been designated for affordable housing. Ms. Gleeson stated that the development is for seniors, who will not be driving and adding to the congestion in the area.

Yusely Chan, #37-3855 Pender Street, Burnaby, spoke in opposition to the proposed rezoning application. Ms. Chan expressed concerns regarding safety, increased noise and traffic, and loss of privacy due to the location of the parkade entrance/exit.

Patricia Acthim, #104-3811 Hastings Street, Burnaby, spoke in opposition to the proposed rezoning application. Ms. Acthim is concerned regarding the size of the development, the loss of the greenspace and the existing traffic congestion.

John Katnich, 3915 Pender Street, Burnaby, spoke for a second time in opposition to the proposed rezoning application. Mr. Katnich raised concerns regarding a multi-family development over the train tunnel.

MOVED BY COUNCILLOR JOHNSTON

SECONDED BY COUNCILLOR CALENDINO

THAT this Public Hearing for Rez. #19-03, Bylaw No. 14235 be terminated.

CARRIED UNANIMOUSLY