

30. Re: Rezoning Reference #18/69
Lots 17, 18, 19 and 20
Block 4, D.L. 153, Plan 1316
Astor Hotel

Following is a report from the Director of Planning regarding rezoning reference #18/69.

RECOMMENDATION:

THAT the Director of Planning's recommendation be adopted.

PLANNING DEPARTMENT

JUNE 11, 1973

OUR FILE: RZ 18/69

RE: REZONING REFERENCE #18/69
LOTS 17, 18, 19, and 20, BLOCK 4,
D.L. 153, PLAN 1316 - ASTOR HOTEL

BACKGROUND

On April 14, 1969, the Council gave consideration to the initial report on the subject rezoning application, for the rezoning of properties on the west side of Pioneer Avenue from Residential District R5 to Parking District P8, to permit expansion of the Astor Hotel parking facilities. At that time Council approved the application for further consideration, directed that the application be put to a Public Hearing, and stipulated the following prerequisite conditions:

- (a) the consolidation of the four lots into one property.
- (b) the dedication of the westerly four feet of the property for lane widening.
- (c) the submission of a suitable plan of development including all four lots.
- (d) the deposit of monies to cover the cost of paving the lane to the rear of the four properties and to cover the cost of providing storm sewer service to the site.
- (e) the submission of an undertaking that all existing improvements on Lot 17 be removed within six months of the rezoning being effected.

Following a Public Hearing held May 6, 1969, the amending bylaw was given First and Second Readings on May 12.

Progress toward completion of the prerequisites as established has proceeded slowly at best, and successive extensions of time have been granted by the Council to allow the applicant to complete these conditions. The applicant has at various times committed himself to complete his obligations, but to date has failed to fulfill the requisites.

In the meanwhile, the properties have been used in a non-conforming fashion as a parking lot for the hotel, and improvements for the purpose of accommodating this use were made without benefit of the necessary permits and approvals, or completion of the rezoning bylaw. In view of the non-conforming use that had taken place, Council on August 30, 1971 unanimously adopted a recommendation that the completion of the rezoning be a prerequisite to the granting of any Preliminary Plan Approval for alterations to the hotel itself.

CURRENT PROPOSAL

The management of the hotel are currently proposing rather extensive renovations to the hotel facility, and are most anxious to obtain P.P.A. and building permits for the work. Following numerous meetings with staff concerning the conditions currently still outstanding, the solicitor for the hotel has requested that the Bylaw be advanced for Third Reading in order that early authorization be given for releasing the necessary permits for hotel renovation. In his letter dated June 6, 1973, (a copy of which is attached), Mr. Edwards sets out the terms under which the hotel proposes to complete the prerequisite conditions and to undertake the work, and offers to post a performance bond in the amount of \$5,000.00 to ensure that the terms established will be performed by the applicant.

The following therefore represents the status of the rezoning conditions in respect of Mr. Edwards' letter:

- (a) Consolidation -- it is understood that arrangements have been made to have a consolidation plan prepared and submitted.
- (b) Dedication of westerly four feet -- this condition is one which the applicant has been reluctant to accept. In the view of the Planning Department, the provision of a constructed north-south lane at this location is considered to be an interim measure, to serve abutting properties under the current form of property subdivision and development. It is to be hoped that future redevelopment of the block will be accomplished on a comprehensive basis through assembly of a major site, at which time the requirement for the lane could well evaporate. The request by the applicant that this situation be taken into account at this time, in accepting a dedication of four feet of land from the subject properties in order to bring the lane up to a full 20 foot standard, does not seem unreasonable under the circumstances, so long as the applicant as an abutting owner is in fact a participant in a redevelopment scheme which makes the lane redundant. The Department is able to recommend, therefore, that Council agree to accept the dedication on the understanding that the strip will revert back to the applicant in the event of the applicant being involved in a land assembly of the subject properties with adjacent properties for such a redevelopment project, which would allow the lane allowance to be cancelled. It should be noted that Mr. Edwards' submission makes reference to "the event of the Corporation of the District of Columbia cancelling the lane allowance" -- this event should be subject to the same proviso as stated above: that is, that the applicant at that time is a participating abutting owner in creating a land assembly as envisioned.)

ROBERT EDWARDS, LL.B.
DUDLEY EDWARDS, LL.B.
JAMES H. EDWARDS, M.A., LL.B.
YVONNE EDWARDS, B.A., LL.B.
DONALD W. MACKALL, B.A., LL.B.

TELEPHONE: 433-2445

SUITE 15-17, 4822 KINGSWAY
BURNABY 1, B.C.

Edwards, Edwards & Edwards
BARRISTERS AND SOLICITORS
NOTARIES PUBLIC

June 6, 1973.

The Corporation of District of Burnaby,
4949 Canada Way,
Burnaby 2, B.C.

ATTENTION: Mr. D. Stenson
Assistant Director of Planning.

Dear Sir:

Re: Astor Hotel addition -
4561 Kingsway - Preliminary Plan approval No. 2155

Re: Re-zoning application No. 18/69-Lots 15, 17, 18, 19
and 20, Block 4, D.I. 153, Plan 1316

Pursuant to our meeting of today's date, we confirm that the above described zoning application is to be presented to Council for third reading on the 11th of June, 1973.

We further confirm that the terms agreed to in order to conclude this application are as follows:-

1. In view of the applicant dedicating a four foot by two hundred and sixty four foot strip of land towards a lane allowance at the rear of the above described properties, it is agreed that your department will recommend to Council that in the event of the applicant being involved in a land assembly of its properties with adjacent properties thereby causing the lane to be cancelled, or in the event of the Corporation of District of Burnaby cancelling the lane allowance, the four foot by two hundred and sixty-four foot strip dedicated by the applicant will revert back to the applicant.

We would respectfully ask that Council formally approve this agreement and direct the Municipal Manager to confirm the same in writing to the writer.

Cont.....d.

- 2 -

The Corporation of District of Burnaby

2. A suitable landscaping plan covering the above described properties and also the properties owned by the applicant fronting Grange Street is to be prepared by a competent landscaping firm. Landscaping will be done according to the zoning by law governing the same, and according to the landscaping plan submitted to the planning department.
3. Storm drains on the subject site will be connected by the applicant to the Municipal system.
4. The sum of \$1,000.00 is to be paid by the applicant to the Corporation, which sum is to be used for paving the lane behind the above described properties. Our client's certified cheque for the same is enclosed herewith.
5. We confirm that Ken K. Wong & Associates have been instructed to prepare a consolidation plan for the above described properties and as soon as the same is completed, it will be presented to your department for approval.
6. In order that the above described application for re-zoning may be brought before Council on the 11th of June, 1973, for third reading and subsequent reconsideration and final adoption, we are posting by way of a performance bond the sum of \$5,000.00. This performance bond is being posted to assure the Corporation that the applicant will perform all of the terms required by your department in order that the re-zoning application may be approved. The sum of \$5,000.00 is to be returned to the applicant immediately upon all the above terms being complied with.

Will you please confirm that the above described application will be heard by Council on the 11th of June, 1973.

Thanking you for your consideration and courtesy,
we remain,

Yours truly,

EDWARDS, EDWARDS & EDWARDS

Per:

James H. Edwards

JHE/shm

Encl:

ITEM 30

MANAGER'S REPORT NO. 43

COUNCIL MEETING June 11/73

Bank of Montreal

Current Account

Cheque No. 19012

Date June 6 1973

Pay to the order of the District of Burnaby \$ 1000.00

ASTOR HOTEL

Account No. 1028-772

0728000011

100 Dollars

Bank of Montreal stamp: 4705 Kingsway Burnaby 1, B.C. 1-728 JUN 6 1973 CERTIFIED

Bank of Montreal

Current Account

Cheque No. 19013

Date June 6 1973

Pay to the order of the District of Burnaby \$ 5000.00

ASTOR HOTEL

Account No. 1028-772

0728000011

500 Dollars

Bank of Montreal stamp: 4705 Kingsway Burnaby 1, B.C. 1-728 JUN 6 1973 CERTIFIED