



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2016 April 20

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #15-01**
AMENDMENT BYLAW NO. 35/15 ; BYLAW #13531
Apartment tower with street-oriented townhouses and live-work units
Third Reading

ADDRESS: 6750 Dunblane Avenue, 5025 Imperial Street and 6729/6789 Marlborough Avenue

LEGAL: Lots 1, 4 & 5, DL 152, Group 1, NWD Plan 1292; Lot A, DL 152, Group 1, NWD Plan 1292

FROM: RM3 Multiple Family Residential District

TO: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C2 Community Commercial District, Metrotown Town Centre Development Plan as guidelines and in accordance with the development plan entitled "Marlborough Multi-Family" prepared by Chris Dikeakos Architects Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2015 November 09;
- b) Public Hearing held on 2015 November 24; and,
- c) Second Reading given on 2015 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 2016 April 06 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 2016 April 06.*
- d. The submission of an undertaking to remove all existing improvements from the site prior to Final Adoption of the Bylaw, but not prior to Third Reading of the Bylaw.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 April 06 and the site is currently vacant.*
- e. The utilization of an amenity bonus through the provision of a \$6,745,200.00 cash in-lieu contribution in accordance with Section 3.3 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 April 06, and will deposit the necessary funds prior to Final Adoption.*
- f. The dedication of any rights-of-way deemed requisite.
 - *A subdivision plan dedicating the requisite rights-of-way has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- g. 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.*
- h. The granting of any necessary statutory rights-of-way, easements and/or covenants.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 April 06, and the requisite statutory rights-of-way, easements and/or covenants will be deposited in the Land Title Office prior to Final Adoption.*
- i. The granting of Section 2019 Covenant:
 - restricting enclosure of balconies;
 - indicating that project surface driveway access will not be restricted by gates;
 - guaranteeing the provision and maintenance of public art;
 - ensuring compliance with the approved acoustical study;

- guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - restricting the use of guest suites;
 - ensuring the provision and ongoing maintenance of five bicycles and related storage/bicycle repair room, and to ensure that they remain common property to be administered by the Strata Corporation;
 - ensuring the provision and ongoing maintenance of one electric vehicle and one fast charging (Level 3) Electric Vehicle Charging Station, and to ensure that they remain as common property to be administered by the Strata Corporation; and,
 - ensuring that handicap accessible parking stalls in the underground parking areas be held in common property to be administered by the Strata Corporation.
- *The applicant has agreed to this prerequisite in a letter dated 2016 April 06, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- j. The review of a detailed Sediment Control System by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2016 April 06. A detailed Sediment Control System plan has been submitted to the Engineering Department – Environmental Services for approval prior to Final Adoption.*
- k. The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, 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 2016 April 06. A suitable on-site stormwater management system has been submitted for the 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.*
- l. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2016 April 06. A detailed Solid Waste and Recycling Plan has been approved by the Engineering Department – Environmental Services Division.*

- m. The design and provision of units adaptable to persons with disabilities, the provision of customized hardware and cabinet work being subject to the sale/lease of the unit to a disabled person and with allocated disabled parking spaces.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 April 06, and the necessary provisions are indicated on the development plans.*
- n. The provision of two covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement the recycling provisions.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter of undertaking dated 2016 April 06 committing to implement the recycling provisions.*
- o. The review of on-site residential loading facilities by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 April 06. An on-site residential loading plan has been submitted to the Engineering Department – Traffic Division for approval prior to Final Adoption.*
- p. The submission of a tenant assistance plan.
 - *The applicant has submitted the requisite tenant assistance plan in accordance with the City's Tenant Assistance Policy.*
- q. 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 2016 April 06 agreeing to meet this prerequisite.*
- r. Compliance with the Council-adopted sound criteria.
 - *An acoustic study has been submitted for review by the Engineering Environmental Services Division, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- s. The undergrounding of existing overhead wiring abutting the site.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 April 06, and will deposit the necessary funds prior to Final Adoption.*

- t. The submission of a detailed comprehensive sign plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 April 06, and the requisite comprehensive sign plan will be submitted prior to Final Adoption.*
- u. The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2016 April 06 to make the necessary deposits prior to Final Adoption.*
- v. The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2016 April 06 to make the necessary deposits prior to Final Adoption.*
- w. The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2016 April 06 to make the necessary deposits prior to Final Adoption.*
- x. 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 2016 April 06 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 2016 April 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.


Lou Pelletier, Director
PLANNING AND BUILDING

JBS/spf
Attachment

cc: City Manager

**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 35, 2015 - BYLAW NO. 13531**

Rez. #15-01

6750 Dunblane Avenue, 5025 Imperial Street and 6729/6789 Marlborough Avenue

From: RM3 Multiple Family Residential District

To: CD Comprehensive Development District (based on the RM5s Multiple Family Residential District, C2 Community Commercial District, Metrotown Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Marlborough Multi-Family" prepared by Chris Dikeakos Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit a 27-storey apartment building with street-oriented townhouses on Marlborough Avenue and live-work townhouse units with flats above on Imperial Street.

The Advisory Planning Commission advised it supports the rezoning application.

Sixteen letters were received in response to the proposed bylaw amendment.

OPPOSED:

Peg Lalor, 3544 Naples Way, Vancouver
Dave Dumaresq, 6187 McKenzie Street, Vancouver
Jacqueline Hardy, 7615 Coldicutt Street, Burnaby
Avalon Findlay, 202-57 Agnes Street, New West Minster
Shirley Sinclair, 5430 Portland Street, Burnaby
John Eddy, 209-6425 Silver Avenue, Burnaby
Kurt Ward-Theiss, 4879 Albert Street, Burnaby
David Waterlow, 302-5250 Victoria Street, Burnaby
Alexander Daughtry, 1320 Salisbury Drive, Vancouver
Scott Gentes, 308-6622 Willingdon Avenue, Burnaby
Murray Martin, 1403-7235 Salisbury Avenue, Burnaby
Franca Zumpano, 1583 Springer Avenue, Burnaby
Helen Ward, 4819 Albert Street, Burnaby
K. Mezei, 304 North Delta Ave, Burnaby
J. Jordan, 1102-4194 Maywood Street, Burnaby
J. McLean, 1102-4194 Maywood Street, Burnaby

The following speakers appeared before Council in support or opposition to the proposed bylaw amendment.

Alan Lee, 805-2138 Madison Ave, Burnaby, spoke in opposition to the rezoning application. Mr. Lee expressed concern regarding the loss of affordable housing in the neighbourhood.

David Miller, 208-6650 Dublaine Ave, Burnaby, spoke in opposition to the rezoning application. Mr. Miller shared concerns regarding the loss of affordable housing, the impact on families that live in buildings that will be displaced and the unaffordability of new housing stock.

Melissa Van Dyke, 108-5055 Imperial Street, Burnaby, spoke in opposition to the rezoning application. Ms. Van Dyke shared her concerns regarding the loss of low income rental properties and subsequent loss of socio-economic diversity in the neighbourhood.

Simeran Singh, 7112 Gray Avenue, Burnaby, spoke in opposition to the rezoning application. Ms. Singh shared her concerns regarding the displacement of families, and loss of affordable housing stock, and the inaccessibility of the Burnaby Tenancy Assistance Policy.

Ivan Drury, 7006 Kensington Ave, Burnaby, spoke in opposition to the rezoning application. Mr. Drury shared concerns regarding the destruction and loss of affordable rental apartments and development of unaffordable units. Mr. Drury requested a moratorium on the demolition of existing affordable housing.

Zainab Amini, 5025 Imperial Avenue, Burnaby, appeared on behalf of her mother, who relies on family members, the medical facilities in the neighbourhood and cannot afford to relocate to another area.

Wanda Mulholland, 7476 13th Ave, Burnaby, appeared on behalf of the Burnaby Task Force on Homelessness and spoke in opposition to the rezoning application. Ms. Mulholland requested anti-demolition and affordable unit replacement policies to address the loss of affordable housing in Burnaby.

Gabriele Cocco, 5251 Broadway Street, Burnaby spoke in opposition to the rezoning, as he sees no benefit from the rezoning and development.

MOVED BY COUNCILLOR S. DHALIWAL
SECONDED BY COUNCILLOR N. VOLKOW

THAT this Public Hearing for Rez. #15-01, Bylaw #13531 be terminated.

CARRIED UNANIMOUSLY