



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2016 June 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #14-19
AMENDMENT BYLAW NO. 17/15; BYLAW #13482
Two High Rise Apartment Buildings with Townhouses and Low Rise
Commercial Podium
Third Reading

ADDRESS: 6380 and 6420 Silver Avenue

LEGAL: Lot 73, DL 153, NWD Plan 28967; Lot 72, DL 153, NWD Plan 28967

FROM: RM3 Multiple Family Residential District

TO: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C2 Community Commercial District and Metrotown Town Centre Development Plan as guidelines and in accordance with the development plan entitled "6830 & 6420 Silver Avenue" prepared by IBI/HB Architects.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2015 June 01;
- b) Public Hearing held on 2015 June 23; and,
- c) Second Reading given on 2015 November 09.

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 June 15 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 June 15.*
- d. Demolition of any improvements will be permitted after Second Reading of the Rezoning Bylaw has been granted provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse and vandalism.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 June 15.*
- e. The utilization of an amenity bonus through the provision of a \$15,877,726 cash in-lieu contribution in accordance with Section 3.4 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 June 15, 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 two legal parcels.
 - *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 including provision of an east-west mews through the site from Silver Avenue to the lane, as outlined under Section 3.8 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 June 15, 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 any necessary Covenants, including but not necessary limited to, Section 219 Covenants:
 - restricting enclosure of balconies;
 - indicating that project surface driveway access will not be restricted by gates;
 - guaranteeing the provision and maintenance of public art;
 - providing for future air space parcels covering both the commercial and residential components to ensure that the density of development of air space parcels and strata lots comply with the approved CD zoning for the site and to ensure that the overall site continues to function as an integrated development;
 - ensuring that handicap accessible parking stalls in the underground residential parking areas be held in common property to be administered by the Strata Corporation;
 - ensuring compliance with the approved acoustic study;
 - ensuring the provision and ongoing maintenance of EV cars and EV plug-in stations;
 - ensuring the provision and ongoing maintenance of end-of-trip facilities; and,
 - restricting the use of guest rooms.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 June 15, 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 June 15. 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 June 15. 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 June 15. 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.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 June 15, and the necessary provisions are indicated on the development plans.*
- n. The provision of covered car wash stalls 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.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter of undertaking dated 2016 June 15 committing to implement the recycling provisions.*
- o. Compliance with the guidelines for underground parking for residential visitors and commercial patrons.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 June 15, and the necessary provisions are indicated on the development plans.*
- p. The review of on-site residential and commercial loading facilities by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 June 15. An on-site residential loading plan has been submitted to the Engineering Department – Traffic Division for approval prior to Final Adoption.*
- q. The submission of an acoustic study to ensure 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.*
- r. The undergrounding of existing overhead wiring abutting the site.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 June 15, and will deposit the necessary funds prior to Final Adoption.*

- s. The provision of a public pedestrian walkway statutory right-of-way from Silver Avenue to the lane, including the construction of concrete walk and lighting to the approval of the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 June 15, the necessary provisions are indicated on the development plans, and the requisite statutory rights-of-way will be deposited in the Land Title Office prior to Final Adoption.*
- t. The submission of a comprehensive sign plan
 - *The required comprehensive sign plan has been submitted.*
- u. The submission of a tenant assistance plan.
 - *The required tenant assistance plan has been submitted.*
- v. The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2016 June 15 to make the necessary deposits prior to Final Adoption.*
- w. The deposit of the applicable Metrotown Public Open Space Charge.
 - *The applicant has agreed in a letter dated 2016 June 15 to make the necessary deposits prior to Final Adoption.*
- x. The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2016 June 15 to make the necessary deposits prior to Final Adoption.*
- y. The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2016 June 15 to make the necessary deposits prior to Final Adoption.*
- z. 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 June 15 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 June 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

JBS/spf
Attachment

cc: City Manager

BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 17, 2015 - BYLAW NO. 13482

Rez. #14-19

6380 and 6420 Silver Avenue

From: RM3 Multiple Family Residential District

To: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C2 Community Commercial District, P1 Neighbourhood Institutional District, and Metrotown Town Centre Development Plan Guidelines, and in accordance with the development plan entitled "6380 & 6420 Silver Avenue" prepared by IBI/HB Architects)

The purpose of the proposed zoning bylaw amendment is to permit the construction of two high-rise apartment towers (26 and 41 storeys), with low-rise townhouse, retail, childcare, and office components.

The Advisory Planning Commission advised it supports the rezoning application.

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

OPPOSED:

Kurt Ward-Theiss, 4819 Albert Street, Burnaby
Helen Ward, 4819 Albert Street, Burnaby
Murray Martin, 7235 Salisbury Avenue, Burnaby
Trevor Dsouza, 209-6420 Silver Avenue, Burnaby
Chris Kopar, 205-6677 Sussex Avenue, Burnaby
Wendy Hon, 6240 McKay Avenue, Burnaby
Hui Lin Sun, 6420 Silver Avenue, Burnaby
Bob Quicke, 218-6525 Telford Avenue, Burnaby

Rick McGowan, 239-4159 Sardis Street, Burnaby appeared before Council expressing concern regarding the rezoning application. Mr. McGowan referenced two letters submitted to Council in February 2014 from parents of children at Maywood School regarding a previous rezoning application for apartment towers behind the school which resulted in the demolition of rental housing that forced low income families from the neighbourhood.

Earl Pollit, 105-6031 Wilson Avenue, Burnaby appeared before Council opposing the rezoning application. The speaker expressed concern regarding the demolition of three storey walk-ups and displacement of residents in these buildings. The speaker concluded by requesting that the City require one to one replacement for rental housing units.

Bijan Nassirian, 203-4355 Maywood Street, Burnaby appeared before Council expressing concern regarding the rezoning application and the lack of infrastructure investment in the neighbourhood for recreational complexes, transportation and schools.

Rick Erb, 503-6555 Bonsor Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application. The speaker requested that Council place a moratorium on the demolition of affordable rental housing.

Monica McGovern, 1-8511 Cumberland Place, Burnaby appeared before Council expressing concern regarding the rezoning application. The speaker requested a moratorium on the demolition of affordable rental housing units until establishment of a one-to-one replacement requirement. The speaker concluded by requesting that a "standards of maintenance" bylaw be implemented as well.

Shirley Sinclair, 5430 Portland Street, Burnaby appeared before Council expressing concern regarding the rezoning application and the loss of affordable rental housing. The speaker emphasized the importance of providing assistance to displaced families.

Wanda Mulholland, 7476 13th Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application. The speaker requested Council implement a one-to-one replacement policy for affordable rental housing. The speaker also urged all levels of government to collaborate and utilize the full extent of their mandate to find creative solutions to ensure that all Burnaby citizens have safe and affordable housing.

Mr. Zarabozo, 302-6420 Silver Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application particularly in relation to displacement of residents from the rental apartment buildings slated for demolition.

Joe Jordan, 1102-4194 Maywood Street, Burnaby appeared before Council expressing concern regarding the rezoning application and the lack of infrastructure to accommodate the increasing population. The speaker concluded by noting that developers should subsidize the cost of infrastructure.

Josephine Maligro, 7-6749 Sussex Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application and the displacement of residents from affordable rental housing.

Ivan Drury, 3-406 Lakewood Drive, Vancouver appeared before Council opposing the rezoning application and the displacement of low income people from affordable rental housing. The speaker requested that a moratorium be placed on the demolition of rental housing in Burnaby.

Helen Ward, 4819 Albert Street, Burnaby appeared before Council opposing the rezoning application. The speaker expressed concern regarding the legality of the proposed rezoning, the public consultation process for the Metrotown Community Plan, the demolition of affordable rental housing units and the displacement of those tenants, measurement of population density, seismic risks and financial liability issues. The speaker concluded by requesting that a moratorium be placed on the demolition of rental apartments in Burnaby.

Lucinda Henwood, 308-6380 Silver Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application particularly in relation to displacement of residents from the rental apartment buildings slated for demolition. The

speaker also expressed concern regarding late night noise from work at the nearby Skytrain Station.

Dave Tiwert, 106-13245 104th Avenue, Surrey appeared before Council expressing concern regarding the rezoning application and the displacement of residents from the affordable rental housing slated for demolition. The speaker requested that the City place a moratorium on the demolition of affordable rental housing until strategies, policies and procedures are developed to protect the affordable rental stock in Metrotown.

Allan Lee, 805-2138 Madison Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application and the displacement of residents from affordable rental units.

Wendy Hinestrosa, 5644 Carson Street, Burnaby appeared before Council expressing concern regarding the rezoning application. The speaker supported a moratorium on the demolition of affordable housing until the problems faced by displaced citizens are properly addressed.

Ms. Giles, 110-5300 Rumble Street, Burnaby appeared before Council expressing concern regarding the rezoning application and the displacement of residents from affordable rental housing. The speaker noted consideration should be given to providing displaced residents with a place to live in the new high rise towers.

Kay Woodford, 302-6380 Silver Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application and the displacement of residents from the affordable rental housing slated for demolition.

Rick McGowan, 239-4159 Sardis Street, Burnaby appeared again before Council to request that the City stop demolishing affordable rental housing. The speaker urged Council to implement a plan to preserve affordable housing stock.

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR CALENDINO:

THAT staff prepare a report in response to the issues raised at the Public Hearing for Rez. Ref. #14-19, Bylaw No. 13482 particularly regarding the cost impact of one for one replacement of rental housing units and the legality of a moratorium on the demolition of rental housing units.

CARRIED UNANIMOUSLY

This rezoning application will be brought forward for second reading at the same Council meeting the staff report is received.

Helen Ward, 4819 Albert Street, Burnaby again appeared before Council and noted that the Shell lands in north Burnaby would be a better location for high rise towers than Silver Avenue in Metrotown.

Mark Brown, 322-6420 Silver Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application and the displacement of residents from the affordable rental housing slated for demolition. The speaker urged Council to stop the proposed demolition.

John Eddy, 6425 Silver Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application and the displacement of residents from affordable rental housing slated for demolition. The speaker also expressed worry that the apartment building in which he resides may soon be demolished to make way for new development.

Kaleb Swaby, 308-6380 Silver Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application. The speaker noted he does not want Metrotown to become a metropolis.

There were no further submissions received regarding Rezoning #14-19, Bylaw No. 13482.

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR CALENDINO:

THAT this Public Hearing for Rez. #14-19, Bylaw #13482 be terminated.

CARRIED UNANIMOUSLY

THAT this Public Hearing for Rez. #14-19, Bylaw #13482 be terminated.

CARRIED UNANIMOUSLY

Council agreed by unanimous consent to recess the Public Hearing at 9:27 p.m.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

THAT this Public Hearing do now reconvene.

CARRIED UNANIMOUSLY