



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2017 March 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #15-26**
AMENDMENT BYLAW NO. 39/16 ; BYLAW #13644
Apartment tower with street-oriented townhouses
Third Reading

ADDRESS: 6668, 6688, 6710/6712, 6730 Dunblane Avenue and 6661, 6687, 6709 Marlborough Avenue

LEGAL: Schedule A (*attached*)

FROM: RM3 Multiple Family Residential District and CD Comprehensive Development District (based on RM3 Multiple Family Residential District)

TO: CD Comprehensive Development District (based on RM5s Multiple Family Residential District and Metrotown Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Vittorio" prepared by Buttjes Architecture Inc. dated 2016 August 07)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2016 August 29;
- b) Public Hearing held on 2016 September 20; and,
- c) Second Reading given on 2016 October 03.

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 2017 March 14 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 (as well as underground switching and transformer/service boxes in town centre locations), 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 2017 March 14.*
- d) The submission of an undertaking to remove all improvements prior to Final Adoption of the Bylaw, but not prior to Third Reading of the Bylaw. 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. If requested, demolition may be delayed to more closely coincide with approval of building permits.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 March 14.*
- e) The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with 3.5 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 March 14, 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 2017 March 14, and the requisite covenants, easements or statutory rights-of-way will be deposited in the Land Title Office prior to Final Adoption.*

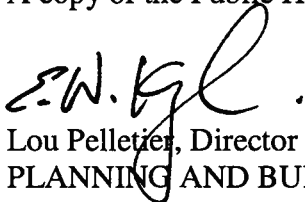
- i) The granting of Section 219 Covenants, including, but not limited to:
- restricting enclosure of balconies;
 - indicating that project surface driveway access will not be restricted by gates;
 - guaranteeing the provision and maintenance of public art;
 - ensuring compliance with the approved acoustical study;
 - guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - ensuring the provision and ongoing maintenance of the storage/bicycle repair room, and to ensure that it remains common property to be administered by the Strata Corporation;
 - ensuring the provision and ongoing maintenance of a minimum of three electric vehicle and three Level 2 Electric Vehicle Charging Stations, 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 2017 March 14, 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 2017 March 14. 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 2017 March 14. 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 2017 March 14. A detailed Solid Waste and Recycling Plan has been submitted to the Engineering Department – Environmental Services for approval prior to Final Adoption.*
- 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 2017 March 14, and the necessary provisions are indicated on the development plans.*
- n) The provision of 3 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 2017 March 14 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 2017 March 14. 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 agreed to this prerequisite in a letter dated 2017 March 14. A detailed tenant assistance plan has been submitted and is to be executed prior to the demolition of the existing rental buildings on the site.*
- q) The provision of facilities for cyclists in accordance with this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 March 14, and the necessary provisions are indicated on the development plans.*
- r) Compliance with the Council-adopted sound criteria.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 March 14. An acoustic study has been submitted to the Engineering Department – Environmental Services for approval 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 2017 March 14.*
- t) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2017 March 14 to make the necessary deposits prior to Final Adoption.*
- u) The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2017 March 14 to make the necessary deposits prior to Final Adoption.*
- v) The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2017 March 14 to make the necessary deposits prior to Final Adoption.*
- w) 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 2017 March 14 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 2017 March 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

JD/spf
Attachment

cc: City Manager

REZONING REFERENCE #15-00026

SCHEDULE "A"

ADDRESS	LEGAL DESCRIPTION
6668 Dunblane Avenue	Strata Lots' 1, 2, 3 & 4, DL 152, Group 1, NWD Strata Plan BCS936
6688 Dunblane Avenue	Lot 20, DL 152, Group 1, NWD Plan 1292
6710/12 Dunblane Avenue	Strata Lots' 1 & 2, DL 152, Group 1, NWD Strata Plan BCS52
6730 Dunblane Avenue	Lot 22, DL 152, Group 1, NWD Plan 1292
6661 Marlborough Avenue	Lot 8, DL 152, Group 1, NWD Plan 1292
6687 Marlborough Avenue	Lot 7, DL 152, Group 1, NWD Plan 1292
6709 Marlborough Avenue	Lot 6, DL 152, Group 1, NWD Plan 1292

Burnaby Zoning Bylaw 1965,
Amendment Bylaw No. 39, 2016 - Bylaw No. 13644

Rez. #15-26

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From: RM3 Multiple Family Residential District and CD Comprehensive Development District
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The purpose of the proposed zoning bylaw amendment is to permit a 38-storey apartment building with street-oriented townhouses fronting Dunblane and Marlborough Avenues.

The Advisory Planning Commission advised it supports the rezoning application.

One letter was received in support of the proposed rezoning application:

Eva Anderson, 101-6730 Dunblane Avenue, Burnaby

The following speakers appeared before Council and spoke to the proposed rezoning application:

Trevor Gibbens, 312-6695 Dunblane Ave, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Gibbens sought clarification from City staff on the width of a local alleyway and the results of the shadow impact assessment. The speaker stated concerns regarding traffic safety, loss of public park land, loss of community values, inaccessibility of services for pedestrians and bicycles, the inadequacy of the City's tenant assistance program and the negative impacts on displaced residents. Mr. Gibbens requested traffic calming measures such as pedestrian controlled cross walks, the addition of pedestrian and bicycle infrastructure, improvement of the tenant assistance program including compensation and relocation processes. The speaker urged Council to require developers to provide a larger percentage of social housing units in new developments.

Mr. Gibbens was also concerned with the loss of park space located at Royal Oak and Dover. City staff advised Mr. Gibbens that the property was not park space. Council requested a memorandum from staff providing information on the green space at the aforementioned location and that a copy of the memorandum be sent to Mr. Gibbens for information.

Wanda Mulholland, Coordinator for the Society to End Homelessness in Burnaby, 7476 13th Avenue, Burnaby, spoke in opposition to the proposed rezoning application. Ms. Mulholland shared concerns regarding the loss of affordable housing and the negative impacts of displacement on residents. The speaker urged Council to create bylaws and zoning that would protect affordable housing, and requested that the City dedicate City-owned land to social housing development and continue to advocate to senior levels of government for the creation of senior and affordable rental housing options.

Lorne Wolinsky, Development Manager, Polygon Homes Ltd., 900-1333 West Broadway, Vancouver, appeared before Council and offered to answer any questions they or residents may have regarding the proposed rezoning application.

Murray Martin, 7235 Salisbury Ave, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Martin shared concerns with the loss of affordable rental housing and challenges faced by displaced residents that are trying to find new homes. By not protecting affordable housing stock, displaced residents are at risk of homelessness or are required to pay substantially higher rental rates to remain in the community.

Mathew Hunter, 6585 McKay Ave, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Hunter stated concerns with the loss of affordable rental housing and the unaffordability of newly developed units. The high cost of newly developed units is discriminatory against low income renters and residents that play a vital role in the community. Mr. Hunter highlighted the high demand and competition for existing rental housing and requested that Council consider policy options that would increase rental stock.

Rick Erb, 503-6555 Bonsor Ave, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Erb posed questions to staff regarding the Community Housing Fund and asked how the funds have been used. The speaker shared concerns regarding the loss of rental units and the displacement of residents that may need to consider more affordable rental options outside of their community.

Sadie Morris, 6721 Dow Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Morris appreciates the welcoming and supportive community she lives in and is saddened by the possibility that she will have to seek affordable housing elsewhere. The speaker requested that Council consider creating affordable housing options that would allow residents of all incomes and backgrounds to benefit from local medical and educational services.

Shari Miller, 6688 Dunblane Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. This is the second time in five years that the speaker has been evicted from her home as a result of development and is now considering leaving Burnaby as affordable housing options are limited and in high demand. The speaker has applied for co-op housing options but is discouraged by long wait lists and competition for existing units. Ms. Miller shared that she has experienced discrimination as a renter with small children, and purchasing a home is not an option due to financial reasons. The speaker is not opposed to development, but would like Council to consider development options that include Burnaby residents of all income levels.

James Bender, 20 East Royal Avenue, New Westminster, appeared before Council and requested additional information about any tenant assistant programs and policies the City has in place. Mr. Bender requested that Council consider giving evicted residents priority for newly developed rental and social housing units.

Anthea Alexander, 5-6687 Marlborough Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Alexander shared concerns regarding the lack of affordable rental housing options and encouraged Council to require developers to include social and senior housing options in new developments. The speaker also requested that Council dedicate City land to social housing development and that social housing be created in advance of development to provide housing security to evicted residents. Ms.

Alexander pointed out, that the high cost of entry into the housing market will mean more residents will rely on the availability of rental options.

Erika Schinzel, 6366 Cassie Ave, Burnaby, spoke in opposition to the proposed rezoning application. Ms. Schinzel shared concerns regarding the rapid demolition of affordable rental units in the community and highlighted the negative impacts of eviction and displacement on residents. The speaker requested that Council consider the replacement of rental housing prior to demolition so existing residents are able to remain in the communities they love.

Leslie Madison, 204-5190 Hastings Street, Burnaby, spoke in opposition to the proposed rezoning application. Ms. Madison stated concerns regarding the loss of seven affordable rental buildings and highlighted the negative impacts on displaced and evicted residents. The speaker urged Council to require developers to create non-market housing before demolishing and evicting residents. Housing is a Federal, Provincial and Municipal issue, and the speaker requested that Council not approve the rezoning application as approval encourages demolition and displacement.

Charter Lau, 104-5340 Hastings Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Lau asked Council how the funding promised by the Federal, Provincial and Municipal governments will help displaced residents.

Derek Sahota, 418-9339 University Crescent, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Sahota stated concerns with the higher rental rates displaced residents will face after eviction and requested that Council consider creating housing solutions before development.

Maria Wallstam, 25 East 12th, Vancouver, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Wallstam, spoke to the negative impacts of displacement and the increase in homelessness as a result. The speaker requested that Council stop future property speculation and approve a moratorium on rezoning to discourage demolitions. Ms. Wallstam also requested that social housing be built to home the residents that are being displaced.

Erika Schinzel, 6366 Cassie Ave, Burnaby, appeared before Council and spoke for a second time. Ms. Schinzel stated that when several apartment buildings within an area are rezoned competition for nearby rental units is substantially increased.

Nancy Lee, Coquitlam, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Lee has recently relocated to Coquitlam as she was not able to find an affordable rental unit in Burnaby. The speaker requested Council implement rental specific zoning to maintain affordable rental rates in the community.

David Miller, 6688 Dunblane Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Miller does not want to leave the community, but rental rates are unaffordable. The speaker stated that the high cost of renting is leaving little to no housing options for seniors, families with children and young people, resulting in a loss of community diversity.

Kathleen Yang, 5545 Braelawn Drive, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Yang inquired about public consultation processes and is concerned with the loss of affordable housing options.

Ivan Drury, Alliance Against Displacement, 7006 Kitchner Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Drury stated concerns regarding the loss of housing options for low-income renters and highlighted the negative impacts of displacement. Many of the residents displaced by development are not able to find homes and are at high risk of homelessness. The speaker requested that Council eliminate density bonuses as they encourage demolition and that a social impact study be conducted. Mr. Drury also requested that the Metrotown Plan be reconsidered as it will result in increased evictions and displacement of residents.

MOVED BY COUNCILLOR JOHNSTON
SECONDED BY COUNCILLOR VOLKOW

THAT this Public Hearing for Rez. #15-26, Bylaw #13644 be terminated.

CARRIED UNANIMOUSLY