



## INTER-OFFICE COMMUNICATION

**TO:** CITY CLERK **DATE:** 2018 July 18

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE # 16-42**  
**BYLAW 13814, AMENDMENT BYLAW NO. 38/17**  
**Mixed-use Tower with Townhousing and a**  
**Non-Market Rental Apartment Component**  
**Third Reading**

**ADDRESS:** 6525, 6559 and 6585 Sussex Avenue

**LEGAL:** Schedule A (*attached*)

**FROM:** RM3 Multiple Family Residential District

**TO:** CD Comprehensive Development District (based on RM5s Multiple Family Residential District, RM4 Multiple Family Residential District, C2 Community Commercial District, Metrotown Downtown Plan as guidelines, and in accordance with the development plan entitled "6525, 6559 & 6585 Sussex Avenue, Burnaby, BC Proposed Mixed-Use Commercial & Residential Development" prepared by Chris Dikeakos Architects Inc. and Durante Kreuk Ltd.)

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The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2017 November 27;
- b) Public Hearing held on 2017 December 12; and,
- c) Second Reading given on 2018 January 22.

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 2018 May 23 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 2018 May 23.*
- 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 2018 May 23. The Building Department has received an application for the demolition of the existing buildings on the subject properties on 2018 July 05, due to past misuse and vandalism within the premises. It is noted that the existing buildings on the subject properties are now vacant and secured with fencing, boarding, signage and regular patrol.*
- e) The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 3.4 of this report.
- *The applicant has provided a \$31,969,700.50 (subject to detailed survey) cash-in lieu contribution, in accordance with the terms and conditions approved by Council.*
- 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.
- *A subdivision plan consolidating the net project site into two legal parcels has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- h) Completion of the City acquisition of the non-market housing parcel.
- *The applicant has agreed to this prerequisite in a letter dated 2018 May 23.*
- i) The provision of a Housing Agreement for the non-market rental housing component of the development, as outlined in Section 3.5 of this report.


- *The Legal Department has advised that a Lease Agreement would be the appropriate legal instrument for implementing the business terms of the non-market housing component, as outlined in Section 3.5 of the Public Hearing report. The applicant has agreed to the revised prerequisite in a letter dated 2018 May 23.*
- j) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- *The requisite statutory rights-of-way, easement and covenant plans have been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- k) The granting of a Section 219 Covenant:
- restricting the enclosure of balconies;
  - indicating that project surface driveway access will not be restricted by gates;
  - ensuring 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 a single, integrated development;
  - ensuring compliance with the approved acoustical study;
  - ensuring the provision and ongoing maintenance of one electric vehicle and one Level 2 DC EV charging station within the residential parking area, and to ensure that they remain common property;
  - restricting the use of guest suites;
  - 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 the provision and ongoing maintenance of End of Trip facilities and bicycle storage room within the commercial parking area; and,
  - ensuring the provision of a Housing Agreement, as outlined under Section 3.5 of this report.
    - *The applicant has agreed to this prerequisite in a letter dated 2018 May 23, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- l) The review of a detailed Sediment Control System by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2018 May 23.*
- m) 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 2018 May 23. 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.*

- n) The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
  - *The necessary provisions are indicated on the development plans, and the applicant has submitted a letter of undertaking dated 2018 May 23 agreeing to meet this prerequisite.*
- o) 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 2018 May 23 and the necessary provisions are indicated on the development plans.*
- 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 five covered car wash stalls.
  - *The applicant has agreed to this prerequisite in a letter dated 2018 May 23 and the necessary provisions are indicated on the development plans.*
- r) The review of on-site residential loading facilities by the Director Engineering.
  - *The applicant has agreed to this prerequisite in a letter dated 2018 May 23 and the necessary provisions are indicated on the development plans.*
- s) 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.*
- t) The submission of a detailed comprehensive sign plan.
  - *The applicant has agreed to this prerequisite in a letter dated 2018 May 23, 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 2018 May 23 to make the necessary deposits prior to Final Adoption.*

- v) The deposit of the applicable Metrotown Public Open Space Charge.
  - *The applicant has agreed in a letter dated 2018 May 23 to make the necessary deposits prior to Final Adoption.*
  
- w) The deposit of the applicable GVS & DD Sewerage Charge.
  - *The applicant has agreed in a letter dated 2018 May 23 to make the necessary deposits prior to Final Adoption.*
  
- x) The deposit of the applicable School Site Acquisition Charge.
  - *The applicant has agreed in a letter dated 2018 May 23 to make the necessary deposits prior to Final Adoption.*
  
- y) 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 2018 May 23 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 2018 July 23, 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

ZT:tn  
*Attachments*

cc: City Manager

**SCHEDULE A**  
**REZONING 16-00042**

<b>ADDRESS</b>	<b>LEGAL DESCRIPTION</b>	<b>PID</b>
6525 Sussex Ave	Lot 55 District Lot 153 Group 1 New Westminster District Plan 25594	003-388-662
6559 Sussex Ave	Lot 33 District Lot 153 Group 1 New Westminster District Plan 1566	002-904-811
6585 Sussex Ave	Lot 30 District Lot 153 Group 1 New Westminster District Plan 1566	010-985-735
6585 Sussex Ave	Lot 31 District Lot 153 Group 1 New Westminster District Plan 1566	010-985-778
6585 Sussex Ave	Lot 32 District Lot 153 Group 1 New Westminster District Plan 1566	010-985-808

**BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 13814 - BYLAW NO. 38/17**

Rez. #16-42

6525, 6559 and 6585 Sussex Avenue

From: RM3 Multiple Family Residential District

To: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, RM4 Multiple Family Residential District, C2 Community Commercial District, Metrotown Downtown Plan as guidelines, and in accordance with the development plan entitled "6525, 6559 & 6585 Sussex Avenue, Burnaby, BC Proposed Mixed-Use Commercial & Residential Development" prepared by Chris Dikeakos Architects Inc. and Durante Kreuk Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a single high-rise mixed-use tower comprised of retail, office and residential uses, with a residential townhouse podium oriented towards Sussex Avenue, and a second mid-rise non-market rental apartment building oriented towards Sussex Avenue.

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

Antonia Beck, Executive Director, Burnaby Neighbourhood House, 4460 Beresford Street, Burnaby

Burnaby MLA's: Anne Kang, Katrina Chen, Raj Chouhan and Janet Routledge, Legislative Assembly, Parliament Building, Victoria, BC

Kate Fang, 6486 Telford Avenue, Burnaby

Paola Francescutto, 6931 Sussex Avenue, Burnaby

Magdalena Gonzalez, 1-6486 Telford Avenue, Burnaby

In Hak Bang, 211-6540 Telford Avenue, Burnaby

Marlyn Ong, 111-6525 Sussex Avenue, Burnaby

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

Fred Wright, 105-6559 Sussex Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Wright stated that the displacement of existing residents will lead to loss of community and increased homelessness. The speaker requested Council encourage developers to create rental housing before demolishing existing rental stock.

Darren Froese, CEO, New Vista Society, 13882-232a Street, Maple Ridge, appeared before Council and spoke in support of the proposed rezoning application. Mr. Froese stated that the proposed development will include studio, 1, 2, and 3 bedroom non-market rental housing. To assist existing residents, a tenant support plan has been created and residents will be provided with the opportunity to relocate to existing New Vista rental housing or be provided with assistance to relocate elsewhere. The speaker stated that existing residents will be given the option to move into the new units once completed.

Paola Francescutto, 6931 Sussex Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Francescutto shared concerns regarding the loss of affordable rental housing in the neighbourhood, is concerned for residents that will be displaced, and the loss of socioeconomic diversity in the community. Ms. Francescutto requested Council consider implementing a moratorium on the rezoning of rental buildings in the Metrotown neighbourhood.

Robert Wilmont, Vice Present, The Society to End Homelessness in Burnaby, 7550 Rosewood Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Wilmont is generally supportive of the New Vista Housing Society, but is concerned that the new non-market rental units will not be affordable for all existing residents. Proposed rental rates (after subsidy) are greater than current rental rates. The speaker stated that residents who cannot afford a rental increase will be forced to relocate outside of the community, and the development will likely increase homelessness.

Diane Gillis, 6675 St. Charles Place, Burnaby, appeared before Council and spoke in favor of the proposed rezoning application. Ms. Gillis shared concerns about the condition of the existing apartment buildings (health and safety risks) and appreciates the New Vista Society's plan to support, assist and relocate existing residents that will be displaced by the development.

Astrid Castaneda, 114-6695 McKay Avenue, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Castaneda requested Council develop affordable housing to relocate displaced tenants to prior to approving any new developments. The speaker shared concerns about the affordability of the new rental units relative to the current rents.

Zoe Luba, 4806 Dundas Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Luba stated that the new proposed rental units are not affordable as individuals on welfare would not be able to afford the proposed rents. The speaker also stated that the New Vista Society does not have enough rental units to house those displaced during the development of new units.

Fred Wright, 105-6559 Sussex Avenue, Burnaby, appeared before Council for a second time, and spoke to the condition of the buildings that will be removed as a result of the rezoning application. The speaker stated that the units are in livable condition.



Letzia Waddington, 1963 Kitchener Street, Vancouver, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Waddington does not believe that the New Vista Society has enough rental units available to house displaced residents and that the Tenant Support Workers, provided by New Vista Society will be challenged to find suitable alternative units.

Alex Operacz, 203-6779 Sussex Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker stated concerns with the proposed increased density which will result in traffic and pedestrian congestion, and the displacement of residents. Mr. Operacz asked Council to implement policies that require landlords to maintain existing rental stock in livable condition.

Ivan Drury, 10589 North Deroche Road, Deroche, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Drury does not believe that the proposed rezoning addresses the rate-of-change in the area where there is a lack of rental housing. The speaker asserted that many of those being displaced will not be able to afford the new non-market units and will be forced to relocate outside of their current community. Mr. Drury believes the subsidy will not be enough to ensure affordability and requested Council consider more effective non-market housing solutions.

MOVED BY COUNCILLOR JOHNSTON  
SECONDED BY COUNCILLOR JORDAN

THAT this Public Hearing for Rez. #16-42, Bylaw #13814 be terminated.

CARRIED UNANIMOUSLY