



INTER-OFFICE COMMUNICATION

TO: CITY CLERK **DATE:** 2018 August 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE # 17-25**
BYLAW 13837, AMENDMENT BYLAW NO. 1/2018
Single High-Rise Apartment Building and Maywood Park Expansion
Third Reading

ADDRESS: Schedule A (*attached*)

LEGAL: Schedule A (*attached*)

FROM: R5 Residential District and RM3 Multiple Family Residential District

TO: P3 Park and Public Use District and CD Comprehensive Development District
(based on the RM4s Multiple Family Residential District and Metrotown
Downtown Plan as guidelines and in accordance with the development plan
entitled "Maywood Park Multi-Residential Development" prepared by NSDA
Architects and Connect Landscape Architecture)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2018 February 05;
- b) Public Hearing held on 2018 February 27; and,
- c) Second Reading given on 2018 March 05.

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 August 02 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 August 02.*
- d) The submission of an undertaking to remove all improvements within the development site (6438, 6456 and 6468 McKay Avenue and 6443 and 6467 Silver Avenue).
 - *The applicant has agreed to this prerequisite in a letter dated 2018 August 02.*
- 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 agreed to this prerequisite in a letter dated 2018 August 02 and will provide a \$21,421,805.00 (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 completion of the Highway Closure Bylaw.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 August 02. Elsewhere on tonight's Council Agenda is Road Closure Reference #18-02- City of Burnaby Road Closure Bylaw No. 13930 – Burnaby Highway Closure Bylaw No.5, 2018, Plan EPP81695 (Control No. 153-488-6670) for the appropriate readings and Final Adoption.*
- h) The consolidation of the net project site into one legal parcel.
 - *A subdivision plan consolidating the net project site into one legal parcel has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- i) The granting of any necessary statutory rights-of-way, easements and/or covenants.
 - *The requisite statutory rights-of-way, easements and covenant plans have been submitted and will be deposited in the Land Title Office prior to Final Adoption.*

- j) The granting of a Section 219 Covenant:
- restricting enclosure of balconies;
 - indicating that project surface driveway access will not be restricted by gates;
 - ensuring compliance with the approved acoustical study;
 - guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - ensuring the provision and ongoing maintenance of Electric Vehicle (EV) charging stations as outlined in Section 3.2 of this report;
 - ensuring that the density of development complies with the approved CD zoning for the site, as outlined in Section 3.3 of this report;
 - ensuring that seven handicap accessible parking stalls in the underground residential parking areas be held in common property to be administered by the Strata Corporation; and,
 - guaranteeing the provision and ongoing maintenance of public art.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 August 02, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- k) The completion of an Operations Agreement for the remaining rental apartment use within the park expansion site (4305 and 4325 Maywood Street), as outlined under Section 3.3 of this report.
- *The Legal Department has advised that a more suitable mechanism for the retention of the rental apartment buildings and uses within the park expansion site (4305 and 4325 Maywood Street) until 2023, is through the registration of an Option to Purchase Charge (at a nominal cost to the benefit of the City) in the Land Title Office, as well as the registration of Section 219 Covenants; restricting the sale or transfer of the properties; to establish the conditions of use; and, to ensure demolition of all buildings and remediation (if required), as well as improvement of the properties for public park use. This approach has been reviewed and is supported by the Planning Department. The applicant has also agreed to approach described above.*
- 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 August 02.*
- m) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- *While the subject development site is less than one acre than area, the proposed*

development is for a high density multiple-family residential apartment building. As such, the Engineering Environmental Services Division requires 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 August 02. 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 August 02 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 August 02 and the necessary provisions are indicated on the development plans.*
- p) The provision of three 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 applicant has agreed to this prerequisite in a letter dated 2018 August 02 and the necessary provisions are indicated on the development plans.*
- q) The review of on-site residential loading facilities by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 August 02 and the necessary provisions are indicated on the development plans.*
- 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, including the properties at 4305 and 4325 Maywood Street.

- *The applicant has agreed to this prerequisite in a letter dated 2018 August 02.*
- t) Compliance with the guidelines for underground parking for visitors.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 August 02.*
- u) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2018 August 02 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 2018 August 02 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 2018 August 02 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 2018 August 02 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 August 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
ZT:ll
Attachments

cc: City Manager

SCHEDULE A

REZONING 17-25

ADDRESS	LEGAL DESCRIPTION	PID
6438 McKay Ave.	Parcel "E" (H94881E) Lot 14 DL 151 and 153 Group 1 NWD Plan 2884	002-976-641
6456 McKay Ave	Westerly half Lot 13 DL 153 Group 1 NWD Plan 2884 Having a frontage of 52 feet on McKay Avenue by a uniform depth of 104 feet	010-745-190
6468 McKay Ave.	Lot 12 Except Parcel "A" DL 153 Group 1 NWD Plan 2884	002-797-976
6443 Silver Ave	Easterly half Lot 14 DL 153 Group 1 NWD Plan 2884 Having a frontage of 52 feet on Silver Avenue by a uniform depth of 104 feet	010-745-254
6455 Silver Ave	Easterly half Lot 13 DL 153 Group 1 NWD Plan 2884 Having a frontage of 52 feet on Silver Avenue by a uniform depth of 104 feet	010-745-246
6467 Silver Ave	Parcel A (Explanatory Plan 13719) of Lot 12 DL 151 and 153 Group 1 NWD Plan 2884	002-594-382
4305 Maywood St	Lot "D" DL 153 Group 1 NWD Plan 23107	002-849-640
4325 Maywood St	Lot 3 DL 153 Group 1 NWD Plan 2884	003-089-215
4325 Maywood St	Lot 4 DL 153 Group 1 NWD Plan 2884	003-089-258

**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 13837 - BYLAW NO. 01/18**

Rez. #17-25

6438, 6456 and 6468 McKay Avenue; 6443, 6455 and 6467 Silver Avenue; 4305 and 4325 Maywood Street

From: R5 Residential District and RM3 Multiple Family Residential District

To: P3 Park and Public Use District and CD Comprehensive Development District (based on the RM4s Multiple Family Residential District and Metrotown Downtown Plan as guidelines and in accordance with the development plan entitled "Maywood Park Multi-Residential Development" prepared by NSDA Architects and Connect Landscape Architecture).

The purpose of the proposed zoning bylaw amendment is to permit the construction of a single high-rise apartment building, as well as expand Maywood Park to Maywood Street.

Ninety-nine (99) letters were received in response to the proposed rezoning application:

1. Antonia Beck, Executive Director, Burnaby Neighbourhood House, 4460 Beresford Street, Burnaby
2. Mae Burrows *
3. David Hendry, #408-680 Clarkson Street, New Westminster
4. Murray Martin, #1403-7235 Salisbury Avenue, Burnaby
5. Hassan El Ouazzani, address not provided
6. Catherine Kiemele, address not provided
7. Shirley Sinclair *
8. Rene-John Nicolas, address not provided
9. Christina Gower, address not provided
10. Susan Spratt, #301-4689 52A Street, Ladner
11. Alexander Paine, address not provided
12. Tatiana Boss, address not provided
13. Tabitha Naismith, address not provided
14. Anna Kowalewski, address not provided
15. Scott Nunn, #2-202 Carnarvon Street, New Westminster
16. Laarni de los Reyes, #1403-7235 Salisbury Avenue, Burnaby
17. Linda Noel, address not provided
18. Charles Doebele, #206-7341 19th Avenue, Burnaby
19. Slobodan Salindrija, address not provided
20. Reagan Belan *
21. Amrita Parmar, 7797 12th Avenue, Burnaby
22. Geeta Gill *
23. Allan Staerk, #806-9380 Cardston Crt., Burnaby

24. Karen Staerk, #806-9380 Cardston Crt., Burnaby
25. Hetty Alcuitas, address not provided
26. Jon Scop, address not provided
27. Erika Schinzel, address not provided
28. Andrew Adams, address not provided
29. Zivar Forsatian, address not provided
30. Rick McGowan, address not provided
31. Debbie Silva, address not provided
32. Joe Keithley *
33. Peter MacLachlan *
34. Jean Pierre Marinet, address not provided
35. Kay Higgins, address not provided
36. Debbie Reid, 420 N Boundary Road, Burnaby
37. Duncan Reid, 420 N Boundary Road, Burnaby
38. Cathy Griffin, address not provided
39. Mary Cooper, #128-9101 Horne Street, Burnaby
40. Michael Whitehead, address not provided
41. Brenda Morris, *
42. Doug Morris, *
43. Juvy Pioquinto, address not provided
44. Josey Ross, address not provided
45. Simon Schweitzer, address not provided
46. Laurel McBride, address not provided
47. Tony Bosello, 4124 McGill Street, Burnaby
48. Sani Dzafic, address not provided
49. Halla Bertrand, *
50. Sara Sagaii, address not provided
51. Evan Morien, *
52. Nicholas Bittencourt, address not provided
53. Lorraine Irlam, address not provided
54. Kimberly McAfee, *
55. Catherine O'Sullivan, *
56. Wayne Heron, address not provided
57. Nancy Whiteside, address not provided
58. Alex Operacz, 6779 Sussex Avenue, Burnaby
59. Catherine Mackie, address not provided
60. David Hendry, address not provided
61. John Lang, address not provided
62. Yvonne Bray, address not provided
63. Lee Down, *
64. Claire Preston, address not provided
65. April Milne, address not provided
66. Paul Coleman, #105-6665 Royal Oak Avenue, Burnaby
67. Oriana Kapusta, *
68. Sarika Panwar, address not provided
69. Matthew Fitzpatrick, 4150 Triumph Street, Burnaby
70. Morgan McKee, *

71. Oliver Hearsey, address not provided
72. Angel Sukkau, address not provided
73. Ann Lythall, address not provided
74. Aida Gradina, address not provided
75. Jackie Cameron, #4-1402 6th Avenue, New Westminster
76. Linda Tetlock, #203-321 10th Street, New Westminster
77. Tekle Gebremedhin, address not provided
78. Zlatica Hrnica, address not provided
79. Catherine Zheng, *
80. Wayne Robertson, address not provided
81. Penny Oyama, #102-7058 14th Avenue, Burnaby
82. Ninie Hadisantoso, #1703-7077 Beresford Street, Burnaby
83. Brenda Peat, #132-6171 Willingdon Avenue, Burnaby
84. Linda Ham, *
85. Elena Tolkacheva, address not provided
86. Denis Boko, *
87. D. Clement, *
88. Juan Ayala, #102-7058 14th Avenue, Burnaby
89. Laurel Heather Verriet, #303-6630 McKay Avenue, Burnaby
90. Stephanie Smith, President, BCGEU, 4911 Canada Way, Burnaby
91. Reinhard Schauer, #201-5868 Olive Avenue, Burnaby
92. Jennifer Thomas, address not provided
93. Saeid Mosayebi, #11-6555 McKay Avenue, Burnaby
94. Andrei Zawadzki, 8569 Flowering Place, Burnaby
95. Sydney Ball, *
96. Andrei Mihailiuk, *
97. Derek Sahota, #118-9191 University Crescent Burnaby
98. Natalie Corbo, *
99. Sean Keane, address not provided

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

Joe Holden, 4362 Maywood Street, Burnaby, appeared before Council and spoke to an issue not related to the Public Hearing. Councillor Jordan (Chair) directed the speaker to the appropriate City staff contact.

Shirley Sinclair, *, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker stated concerns with a lack of affordable housing options, and the negative impact on displaced residents including increased risk of homelessness. Ms. Sinclair requested Council consider protecting existing rental stock and do more to address affordable housing issues in the community.

Fred Hinmueller, 6939 Gray Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker requested Council take action to alleviate the negative impacts of rezoning and development on residents.

Saeid Mosayebi, #11-6555 McKay Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application.

James Grunau, 4325 Maywood Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker inquired about: the number of units impacted by the rezoning, if replacement affordable rental units will be provided, and Council's authority to approve zoning. Mr. Grunau requested that Council consider replacing affordable housing units one-for-one. Furthermore, the speaker requested Council prioritize the housing needs of existing residents.

Emily Luba, #48-4806 Dundas Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker stated concerns with the loss of affordable rental housing and is opposed to the proposed park expansion. Ms. Luba shared concerns that City communications are in English and are not accessible to multilingual residents. The speaker circulated a document to Council, entitled Rental Market Report for their information.

The City Clerk informed the speaker that the following text appears on the front of every Public Hearing notification card in English, French, Spanish, Vietnamese, Arabic, Chinese, Japanese, Korean and Punjabi:

"IMPORTANT INFORMATION Please have this translated."

Murray Martin, #1403-7235 Salisbury Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker stated concerns with the loss of affordable housing as a result of rezoning approvals. Mr. Martin requested Council consider housing and development policies similar to the City of New Westminster and ensure affordable rental housing is protected or replaced. Mr. Martin requested the City hire a 3rd party to conduct an independent impact study. The speaker believes Burnaby's housing policies will result in increased homelessness and cause undue harm to affected residents. Mr. Martin also stated that Burnaby's development policies and the Downtown Metrotown Plan are encouraging housing speculation contributing to inflated housing costs.

Barry Waterloo, 5250 Victory Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application.

Dave Newfield, 6366 Cassie Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker is not opposed to development in the Metrotown area, but opposes development that does not address the housing needs of displaced residents. Mr. Newfield believes that the proposed development will result in a loss of community diversity and increase discrimination. The speaker asserted that rezoning and development activities causes stress on residents who are fearful of losing their home, and have little-to-no choice but to relocate out of the City.

Erika Schinzel, 6366 Cassie Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker stated concerns with the loss of affordable rental housing in Burnaby, the negative impacts on displaced residents, and is concerned about her personal housing security. Ms. Schinzel requested Council consider developing public land, such as golf courses, to provide much needed affordable housing options.

Georgen Nickerson, 7272 Kingsway, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application.

April Mau, 4362 Maywood Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker stated the pace of rezoning and development is too rapid and unsustainable. It is not advisable to tear down buildings every 30 to 40 years; older buildings add character and structural diversity to the community.

Ivan Holmes, 6508 Silver Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker stated that new developments (including both market and non-market rental housing), are unaffordable to the majority of Burnaby residents. Mr. Holmes requested Council develop a plan that considers the impact on residents and provides suitable housing options for those displaced by development. The speaker is concerned for those who are being displaced, and about his personal loss of housing and potentially having to move out of the City.

Ahmed Mohammed, 6533 McKay Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker acknowledged the emotional response of community members as a result of rezoning and development. Many residents, both long-term and new, may have to leave Burnaby due to the high cost of housing.

Tekle Gediemedhin*, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker requested Council provide viable housing options to displaced residents.

Heather Elliot, 6630 McKay Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker referenced non-market housing developments underway in Burnaby and inquired about the rental costs of the new units. Ms. Elliot brought to Council's attention the negative health impacts of stress on displaced residents and those fearful of being displaced in the future.

Paul Ng, #417-4325 Maywood Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker requested the City conduct a study to determine the occupancy of newly developed buildings.

Cynthia Barrows, 4677 Silver Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker requested Council stop approving rezoning applications until such time as affordable rental housing can be created to accommodate displaced residents. Ms. Barrows stated that many of the non-market housing options are not affordable. The speaker is concerned for those that may have to relocate outside of Burnaby and incur additional commuting/transportation costs.

Murray Martin, #1403-7235 Salisbury, Burnaby, appeared before Council and spoke for a second time. The speaker acknowledged the impact of lack of support from other levels of government on housing affordability issues, but believes that City policies have exacerbated the problem. Mr. Martin requested Council consider increasing the amenity and density bonus contributions paid by developers and redirect capital funding from City parks and facilities to fund affordable nor available housing options.

Zoe Luba, 4806 Dundas Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker stated that developers and landlords are providing incorrect information to tenants to speed up the vacancy process and the term of the notification period (5 years) is causing stress on residents. Ms. Luba is concerned for low/fixed income residents that will be displaced if the rezoning application is approved. The speaker requested Council use City surplus funding to build more affordable housing units. Ms. Luba stated that proposed non-market housing units are not affordable to the majority of displaced residents.

Saeid Mosayebi, #11-6555 McKay Avenue, Burnaby, appeared before Council for a second time and reiterated his opposition to the proposed rezoning application.

James Grunau, 4325 Maywood Street, Burnaby, appeared before Council and spoke for a second time. The speaker requested Council consider increasing the percentage of amenity and density bonus fees paid by developers, and use the money to fund affordable housing development. Mr. Grunau inquired as to what programs the City offers to tenants that are being displaced.

Ivan Holmes, 6508 Silver Avenue, Burnaby, appeared before Council and spoke for a second time. The speaker requested that Council require developers to include dedicated rental units in new buildings. Mr. Holmes does not want to see the existing buildings torn down as they are in good condition and well maintained.

Erika Schinzel, 6366 Cassie Avenue, Burnaby, appeared before Council and spoke for a second time. The speaker requested Council find suitable housing for displaced residents, and in the future develop affordable housing prior to approving rezoning applications that will result in tenant eviction.

Melanie Campbell, 120 Agnus Street, New Westminster, appeared before Council and inquired as to when additional affordable housing will be provided. The speaker commented that the price of existing rental units is not affordable for those with on fixed incomes.

MOVED BY COUNCILLOR JOHNSTON
SECONDED BY COUNCILLOR MCDONELL

THAT this Public Hearing for Rez. #17-25, Bylaw #13837 be terminated.

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CALENDINO
SECONDED BY COUNCILLOR JOHNSTON

THAT the Housing Profile and the quarterly summary be provided to those who appeared or submitted comments regarding the rezoning #17-25.

CARRIED UNANIMOUSLY

***address removed upon request by individuals that submitted comments and/or appeared at the Public Hearing**