



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2020 November 03

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-13**
AMENDMENT BYLAW NO. 37, 2019; BYLAW #14083
High-Rise Apartment Building
Third Reading

ADDRESS: 4960 Bennett Street and Portion of Lane

LEGAL: Lot A (Explanatory Plan 29292), DL 152, Group 1, NWD Plan 4955

FROM: RM3 Multiple Family Residential District

TO: CD Comprehensive Development District (based on the RM5s Multiple Family Residential District, RM5r Multiple Family Residential District and Metrotown Downtown Plan as guidelines and in accordance with the development plan entitled "The Bennett" prepared by IBI Group)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2019 November 04;
- b) Public Hearing held on 2019 November 19; and,
- c) Second Reading given on 2020 April 20.

The prerequisite conditions have been partially satisfied as follows:

- a) The submission of a suitable plan of development.
 - *The applicant has submitted a virtually complete suitable plan of development. 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 2020 November 03 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 2020 November 03.*
- d) The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 4.4 of the Public Hearing report.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 November 03. An amenity bonus value will be determined prior to Final Adoption, and the applicant will deposit the funds prior to issuance of Preliminary Plan Approval. A Section 219 Covenant to guarantee this provision, including restricting the issuance of Preliminary Plan Approval and Building Permit for the proposed development, will be deposited in the Land Title Office prior to Final Adoption.*
- e) The granting of any necessary statutory rights-of-way, easements and/or covenants in accordance with Section 4.11 of this report.
 - *The necessary statutory right-of-way, easement, and covenant documentation will be deposited in the Land Title Office prior to Final Adoption.*
- f) The registration of a Housing Covenant and Housing Agreement.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 November 03. A Housing Covenant and Housing Agreement will be registered on title prior to the issuance of an Occupancy Permit. A Section 219 Covenant guaranteeing this provision will be deposited in the Land Title Office prior to Final Adoption.*
- g) The execution of a Tenant Assistance Plan, to the approval of the Director Planning and Building.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 November 03.*
- h) The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 November 03.*
- i) The submission of stormwater and ground water management plan, 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 2020 November 03. 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.*
- j) 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 2020 November 03 committing to implement the solid waste and recycling provisions.*
- k) The design and provision of units adaptable to persons with disabilities, with the provision of customized hardware and cabinet work being subject to the renting of the unit to a disabled person.
- *The applicant has agreed to this prerequisite in a letter dated 2020 November 03. The necessary provisions have been indicated on the development plans, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- l) The provision of covered car wash stalls and 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 dated 2020 November 03 agreeing to meet this prerequisite.*
- m) The review of on-site residential loading facilities by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2020 November 03, and the necessary provisions are indicated on the development plans.*
- n) The submission of a Public Art Plan.
- *The applicant has agreed to this prerequisite in a letter dated 2020 November 03, and the required Public Art Plan will be submitted prior to Final Adoption.*
- o) Compliance with the Council-adopted sound criteria
- *The applicant has agreed to this prerequisite in a letter dated 2020 November 03, and the necessary Section 219 Covenant to guarantee the provisions of the acoustical report, will be deposited in the Land Title Office prior to Final Adoption.*
- p) The provision of facilities for cyclists in accordance with this report.

- *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2020 November 03 agreeing to meet this prerequisite.*
- q) The undergrounding of existing overhead wiring abutting the site.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 November 03 and will deposit the necessary funds prior to Final Adoption.*
- r) Compliance with the guidelines for underground parking for visitors.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2020 November 03 agreeing to meet this prerequisite.*
- s) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2020 November 03 to make the necessary deposits prior to Final Adoption.*
- t) The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2020 November 03 to make the necessary deposits prior to Final Adoption.*
- u) The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2020 November 03 to make the necessary deposits prior to Final Adoption.*
- v) The deposit of the applicable Regional Transportation Charge.
 - *The applicant has agreed in a letter dated 2020 November 03 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 agreed to this prerequisite in a letter dated 2020 November 03 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 2020

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November 09, 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.


E. W. Kozak, Director
PLANNING AND BUILDING

JBS:
Attachment

cc: City Manager

**BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 37, 2019 - BYLAW NO. 14083**

Rez. #16-13

4960 Bennett Street and Portion of Lane

From: RM3 Multiple Family Residential District

To: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, RM5r Multiple Family Residential District and Metrotown Downtown Plan as guidelines, and in accordance with the development plan entitled "The Bennett" prepared by IBI Group)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 35-storey high-rise strata apartment building and a six-storey rental apartment podium.

Thirteen (13) letters were received in response to the proposed rezoning application:

- 1. Lingfang Gai and Yong Li, 1709-6538 Nelson Avenue, Burnaby**
- 2. Hongwei Liang and Xinyu Ke, 2201-6538 Nelson Avenue, Burnaby**
- 3. Muslima Khakimova, 111-4960 Bennett Street, Burnaby**
- 4. Shuzhen Li and Shuren Sheng, 2210-6538 Nelson Avenue, Burnaby**
- 5. Brenda Lee Gumpad, 301-4960 Bennett Street, Burnaby**
- 6. Jing Wang, 2207-6538 Nelson Avenue, Burnaby**
- 7. Li Yan Sun, 1710-6538 Nelson Avenue, Burnaby**
- 8. Natasha Senna, 112-4960 Bennett Street, Burnaby**
- 9. Alex Morrer, 112-4960 Bennett Street, Burnaby**
- 10. Paola Francescutto and Lea Francescutto, 6931 Sussex Avenue, Burnaby**
- 11. Cathy Francescutto, 7415 Magnolia Terrace, Burnaby**
- 12. Stephanie Smith, BCGEU, 4911 Canada Way, Burnaby**
- 13. Reinhard Schauer, 201-5868 Olive Avenue, Burnaby**

The following speakers appeared before Council in response to the proposed zoning bylaw amendment:

Len Chin, 108-4960 Bennett Street, Burnaby, appeared before Council and inquired regarding assistance to tenants provided by the developer.

Steve Jedreicich (applicant), 1285 Pender Street, 3rd floor, Vancouver, appeared before Council and offered to answer any questions Council and public may have.

****Councillor Dhaliwal left at 6:27 p.m.****

Alaidjan McGlynn, 201-6630 Sussex Street, Burnaby, appeared before Council stating that demovictions are still occurring and tenants are worried about their housing status. Tenants are not aware of the assistance that is available to them, and there is a communication and knowledge gap. *(Mr. McGlynn noted that he spoke accidentally to Rez. #16-13 – and intended to provide his comments to Rez. #17-26).*

Councillor Dhaliwal returned at 6:29 p.m.

Lynae Kramer, 201-6630 Sussex Street, Burnaby, appeared before Council and inquired regarding the compensation packages for tenants.

Haou Chechien, 101-4960 Bennett Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker asked the City to not put business interests before the interests of existing tenants/families, provide a transparent process, and delay the proposal until the new Tenant Assistance Policy is formally adopted.

Alex Morrer, 112-4960 Bennett Street, Burnaby, appeared before Council and requested the City postpone the rezoning application until the new Tenant Assistance Policy is adopted, tenants are ensured protection, and there are accountability measures in place for developers.

Vlatka Djeric, 214-4960 Bennett Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker noted she would like to stay in the Metrotown area; however, the rental prices are very high.

Sanny Lai, 205-4960 Bennett Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker expressed concerns regarding unaffordable housing costs. Mr. Lai noted he received an eviction notice, and inquired how long he can stay in the building.

Marius Neacsu, 115-4960 Bennett Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker requested the City adopt the Tenant Assistance Policy to protect the residents, and postpone the considering the rezoning.

Stephanie Langford, 307-1436 Graveley Street, Burnaby, representing the Vancouver Tenant's Union, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker expressed appreciation to Council, the Mayor's Task Force on Community Housing, and the Planning Department staff working hard to develop the new Tenant Assistance Policy. Ms. Langford noted that the rezoning application should be postponed until the Policy is adopted due to challenges and stress faced by the tenants under uncertain terms. Tenants are not aware of the process, and the City should hire more staff to support the residents impacted.

Mazdak Gharibnava, 2223 Prince Edward Street, Vancouver, representing Vancouver Tenant's Union, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker requested the City adopt the new Tenant Assistance Policy, provide protection to tenants during the relocation, stop demovictions, and put development moratorium in place.

Rocco Trigueros, 304-3737 Bartlett Court, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker noted the residents are misinformed about the process, and requested development moratorium and adoption of the new Tenants Assistance Policy.

Ivan Drury, 10589 North Deroche Road, Deroche, representing Alliance Against Displacement, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker expressed concerns about the loss of low income housing, and noted the City should build on empty lots or single family lots, and not demolish the existing apartments. In addition, Mr. Drury noted assistance to previously misplaced residents has not been addressed.

Destiny, (address not provided), appeared before Council and spoke in opposition to the rezoning application, stating that demovictions are causing stress and health issues on those displaced due to development.

D. Smith, 104-4960 Bennett Street, Burnaby, appeared before Council and inquired regarding the Tenant Assistance Policy adoption timeline, and if there are ongoing maintenance requirements (e.g. policy or bylaw) for the current building.

Akman Bazarov, 111-4960 Bennett Street, Burnaby, appeared before Council and spoke in opposition to the rezoning application. The speaker requested Council adopt the Tenant Assistance Policy before any further rezonings are proposed, and ensure all tenants are protected. The speaker also requested that the Tenant Assistance Policy be a bylaw rather than a policy.

Brian Neeson, 114-4960 Bennett Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker expressed concerns regarding affordability, and noted that more units are not driving the rental cost down. Mr. Neeson stated that he owns a successful local business but is unable to afford Burnaby accommodation and may need to relocate to a different municipality if unaddressed.

Maguie Zhao, 4960 Bennett Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker requested the Council adopt the new Tenant Assistance Policy, provide the Policy timeline to residents, and ensure the necessary compensation for tenants is provided. Ms. Zhao expressed a desire for the Policy to become a model for the Lower Mainland and requested the Tenant Assistance Policy be a bylaw rather than a policy.

Murray Martin, 1403-7275 Salisbury Avenue, Burnaby, representing ACORN, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker expressed concerns with the City forwarding four demovictions (Rez. #16-13, #17-26, #17-27 and #17-30) in one night, misinformation provided to residents, and requested the City halt the rezoning process on these rezonings until the new Tenant Assistance Policy is adopted. The speaker referred to a letter from a developer advising tenants of the rezoning process. A sample of the letter was provided to the Clerk for consideration by Council.

Leslie Madison, 204-5190 Hastings Street, Burnaby, appeared before Council and spoke in opposition to the rezoning application until the Tenant Assistance Policy is adopted and in force.

Sara Sagaii, 2129 Ferndale Street, Vancouver, appeared before Council and thanked the Mayor's Task Force on Community Housing for their Tenant Assistance Policy recommendations. The speaker inquired if the City will provide more outreach and inform tenants, and requested the City postpone the proposed rezoning application until the Policy is adopted.

Stephen Samuel, 1941 East Broadway, Vancouver, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker requested the City implement a development moratorium, and hire staff to provide information to tenants and advocate on their behalf.

Councillor Dhaliwal left at 8:10 p.m.

Councillor Dhaliwal returned at 8:12 p.m.

Councillor Wang left at 8:13 p.m.

Mr. Samuel suggested the City postpone the four rezoning applications (Rez. #16-13, #17-26, #17-27 and #17-30) until the Tenant Assistance Policy is adopted.

Alexander Panich, 6128 Patterson Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker expressed support for the increased density that is implemented in a responsible manner. Ms. Panich requested the City postpone this application, provide clear information about the new Tenant Assistance Policy, and develop long-term plans to accommodate more residents in the area, and provide more community spaces.

Councillor Wang returned at 8:17 p.m.

Joel Gibbs, 7777 12th Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker expressed concerns with the number of replacement units, and the size of the new rental units compared to those lost. Mr. Gibbs noted that the proposed development does not take steps to reduce greenhouse gas emissions. The speaker requested the City suspend all demovictions, and adopt the new Tenant Assistance Policy.

Cecile Revaux, 1227 East 13th Avenue, Vancouver, appeared before Council and spoke in opposition to the proposed rezoning application. The speaker noted there is a lack of rental accommodation in the Metrotown area, and when the new Tenant Assistance Policy that addresses rights and compensation will be finalized by Council.

Akman Bazarov, 111-4960 Bennett Street, Burnaby, appeared before Council for the second time, and expressed concerns with tenant support process.

MOVED BY COUNCILLOR CALENDINO
SECONDED BY COUNCILLOR MCDONELL

THAT this Public Hearing for Rez. #16-13, Bylaw #14083 be terminated.

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JORDAN
SECONDED BY COUNCILLOR MCDONELL

THAT staff be directed to report back to Council on the issues raised by the delegations at the Public Hearing for Rezoning Reference #16-13 prior to the second reading of the bylaw; and

THAT a copy of the report, including the new Tenant Assistance Policy, be distributed to the individuals that wrote and/or spoke at the Public Hearing, and all tenants in the building.

CARRIED UNANIMOUSLY