## The Owners, Strata Plan LMS 2195 City Club on the Park 7077 Beresford Street 7220 Greenford Avenue Burnaby, BC

CITY OF BURNABY

MAR 2 9 2021

CLERK'S OFFICE

HAND DELIVERED AND BY EMAIL

March 30, 2021

The Mayor and Council, c/o Office of the City Clerk 4949 Canada Way, Burnaby, BC V5G 1M2

Dear Mayor Hurley and fellow Councilors,

RE: Representation on Burnaby Zoning Bylaw 1965, Amendment Bylaw No 4 2021 – Bylaw No 14299 Rez #18-43 6958 and 6984 Kingsway, 7243 Greenford Avenue, 6957 and 6961 Beresford Street

I write on behalf of the Council for The Owners, Strata Plan LMS 2195 – City Club on the Park ("The Owners, LMS 2195") to submit this representation concerning the proposed redevelopment at 6958 and 6984 Kingsway, 7243 Greenford Avenue, 6957 and 6961 Beresford Street ("Proposed Redevelopment") for your consideration.

The Owners, LMS 2195 comprises 154 residential units and 7 commercial units. Our property is situated next to and on the east side of the Proposed Redevelopment and is approximately 25 years old.

#### At least 118 (76.6%) of residential owners support this representation

This representation has the support of 118 or 76.6% of the residential owners. There are those who could not give their consent due to the short notice given for this submission. It is reasonable to expect that, given time, the number of signatures will be higher and, therefore, it is fair to acknowledge that at least 118 owners are not in favor of the Proposed Redevelopment. A list of the owners who supported this letter is attached as "Appendix A" to this letter.

#### **OUR REPRESENTATION**

Based on our estimate, the Proposed Redevelopment will accommodate probably 350 residential units (8 units per floor for 40 floors = 320 units and probably 30 units of townhomes) and an undetermined number of commercial users estimated at the equivalent of perhaps 100 residential units or more giving a total equivalent of perhaps more than 450 residential units. Even if this estimate is on the high side, it is reasonable to conclude that the Proposed Redevelopment will accommodate the equivalent of at least 400 residential units. This is a very intensified development.



The Owners, LMS 2195 are only notified of the Proposed Redevelopment at around March 19, 2021 and are required to submit their representation by March 30, 2021. This notice does not appear to provide The Owners, LMS 2195 with sufficient time to consider an issue of immense importance.

Nonetheless, the following representation is intended to provide your Council with issues that will affect our community for consideration. It is our desire that this representation will initiate the process of constructive dialogue to enhance the well-being of our community and the community at large as opposed to a process to satisfy the procedural requirements and whitewash the underlying issues only for these issues to surface sometime in the future with vigilance. We hope your Council shares and are in agreement with our desires.

We propose to present our representation in two parts.

- Part A This section sets out our concerns that your Council should include as conditions for any planning approvals that you may grant to the developer. These conditions are fair and equitable.
- Part B This section sets out our suggestions that your Council should consider from the perspective of town planning to enhance the living condition for the residents in the vicinity.

#### PART A – OUR CONCERNS

#### 1. Impact to the foundation and trees of our building

We note the new boundary lines for the Proposed Redevelopment. As you are aware from the building plans for our property that is in your office, the underground retaining walls and foundation of our building are very closed to the new boundary lines of the Proposed Redevelopment.

Given the building intensity, the construction activities on this relatively tight plot will be intense. This could have an adverse impact on the stability of the foundation of our building, related infrastructure and, given the age of our building (approximately 25 years old), especially the retaining walls of our underground parkade could be easily damaged as it runs almost parallel with the new boundary lines.

The construction could destabilize the trees on our property and increase the risk of tree collapse that will inflict damage to our property.

<u>We request</u> that as part of your condition for approval for the Proposed Redevelopment, the developer must:

- a. undertake to rectify, repair and make good any damage to our infrastructure that surface, noted or discover from the commencement of construction and for a period of 10 years after the construction is completed. All cost to be borne by the developer;
- b. provide adequate insurance coverage with The Owners, LMS 2195 as beneficiary from the commencement of construction and for a period of 10 years after the construction is completed to address this concern. The nature of this policy must be comprehensive

with the precise amount to be determined. The cost of this insurance coverage to be borne by the developer; and

c. allow The Owners, LMS 2195 to appoint a professional firm of consultant to document the state our building infrastructure before the commencement of any construction for the purpose of determining liability under point 1(a) above. The cost for this appointment to be borne by the developer.

#### 2. Increase traffic flow and consequential accidents

Currently, Greenford Avenue is used by the commercial owners of The Owners, LMS 2195 (7 units) and customers of the Honda dealership. It is estimated that between 70 to 100 vehicles use this road daily.

Based on the boundary lines for Proposed Redevelopment, it appears the Greenford Avenue will become the main thoroughfare for the occupants to enter and exit the building of this development. With the building intensity, the increase in road users by pedestrians and vehicles will be significant.

Applying the estimated equivalent of 400 residential units the Proposed Redevelopment will yield, it is reasonable to expect an average of 800 vehicles (1 vehicle per unit and each day the unit will exit and enter the building once – 400 x one return trip = 800 vehicle users) will use Greenford Avenue daily. This is significantly higher than the current 70 to 100 vehicles that use this road daily.

Many seniors and other owners from our property walk across the Greenford Avenue to the bus stop located in front of 6984 Kingsway for commute. With the significant increase in vehicular usage along Greenford Avenue, which appears to become a short thoroughfare, the risks of traffic accidents will also increase significantly. It is reasonable to expect inconsiderate drivers and errors of judgement during moments of haste especially during rush hours to cause the mishaps. It is also reasonable to expect the possibility of injuries of varying extent and death to occur from such mishaps if the traffic issue is not properly addressed.

Unless the City has alternative arrangements, this is a risk that requires serious consideration. Adequate planning provisions must be made to address the undesirable consequences envisaged at this point in time.

<u>We request</u> the City to address this issue with a comprehensive traffic management plan to deal with the increased vehicular and pedestrian traffic. The plan must adequately mitigate the safety concerns of both the elderly and physically challenged persons residing in our building but will not hinder traffic flow to a standstill. This plan should be created in consultation with our Council in order to address the safety concerns of our owners.

A reduction in the redevelopment intensity and or road widening of Greenford Avenue and Kingsway are solutions the City must evaluate.

#### 3. Increase trespassing to our property

The boundary line towards the south of the Proposed Redevelopment will increase the current lot size by the southern portion of Greenford Avenue. At the moment, pedestrians tend to use the southern portion of Greenford Avenue to walk to the pathway that leads westward to Griffiths Drive and eastward to Salisbury Avenue.

With the new boundary line and given the high intensity of occupants in the Proposed Redevelopment, there will be an increase in trespassers into our property. This will present a potential privacy invasion and security issues for the Owners, LMS 2195 especially those living in the town homes. This is unacceptable to us.

<u>We request</u> that as part of your condition for approval for the Proposed Redevelopment, the developer must:

- a. provide a perimeter fence with side gates and security access for our property. This fence should blend with the Proposed Redevelopment to address the issues of trespassing, privacy invasion and security. The details can be worked out before approval is granted by the City. The fence should border the west side of lot 7010 and the south side of lot 7079. In the case of lot 7079, the fence will also address the issue of dumping that the City has failed to provide any meaningful and workable solution to this problem that prevailed for so many years; and
- b. the cost of this entire undertaking must be borne by the developer.

#### 4. Noise and pollution during construction

During the construction, the owners have to bear with the noise and pollution that come from the construction site. We have at least 22 units occupied by seniors in our building in addition to 10 units are owned by the Community Living Society, a total of 32 units (or 21%) resided by such occupants. The occupants residing in the units owned by the Community Living Society are physically challenged and have some mental challenges. These occupants and other owners in our building should not have to endure these inconveniences of increase dust blown into and dirty our apartments in addition to inhaling these pollutants for prolong period which is a potential health hazard. Some of the seniors and those physically challenged could have respiratory issues. It is likely that they cannot open their windows for fresh air and for the seniors and those physically challenged, it will impose a significant health risk to their well-being. This is unfair and unacceptable to all of us and them in particular.

Accordingly, the developer should provide adequate compensation for the hardship they inflict on us and the City should state this as a condition for approval.

We request, without prejudice, the developer should compensate with a lump sum monthly payment to The Owners, LMS 2195 at the rate of \$1 per unit entitlement (as defined in the Strata Property Act) per month with an annual inflation adjustment for the duration of the construction. The final amount to be determined by mutual agreement and prior to the issuance of approval for the construction. The amount of compensation is payable within 30 days at the end of the month and be stipulated as a condition for approval. In the event of any nonpayment or default payment, The Owners, LMS 2195 reserves the right to request the City to issue a stop work order until the default payments are rectified. This arrangement shall be in the form of a legally binding agreement between The Owners, LMS 2195 and the developer of the Proposed Redevelopment prior to any approval that the City may grant for the Proposed Redevelopment. As a condition for approval by the City, construction can only commence when the issues set out in this point (4) are resolved. All cost pertaining to this agreement shall be borne by the developer.

### 5. Obstruction of view, privacy intrusion, noise and pollution

Many owners oppose the Proposed Redevelopment of the tower on the south side of the new property demarcation. When completed, the Proposed Redevelopment will:

- a. block the view currently enjoyed by many owners in our property;
- b. deny our owners of the needed sunlight into their apartment which is essential for healthy living;
- c. subject our owners to greater privacy intrusion into their apartments by the owners living in the tower and townhouse of the Proposed Redevelopment:
- d. will result in more light emission from the tower when the occupants light up their apartments at night. Given the high density, owners living in our tower will have to endure a much brighter source of light than the present. This is an intrusion to the living condition our owners currently enjoy. Over prolong period, such intrusion may become a health issue to our owners:
- e. increase the noise level in the vicinity from higher population and increase in vehicular usage along Greenford Avenue because the two towers one on the Proposed Redevelopment and the other on our property will create an acoustic channel that causes sound to travel upwards. The sound transmitted becomes louder as it travels higher up. This is an invasion into our living conditions and is unhealthy; and
- f. increase in pollution that emits from the exhausts of the increased vehicular usage along Greenford Avenue. This will result in unhealthy living for our owners.

These issues have consequences and, cumulatively, they create an unhealthy living environment. This is unfair and unacceptable to our owners.

<u>We request</u> the City should only grant approval after the developer obtained agreement from The Owners, LMS 2195 to resolve these issues and, where necessary, adequate monetary compensation may be a means to resolve any disagreement.

Without prejudice, the compensation should be a lump sum monthly payment to The Owners, LMS 2195 at the rate of \$1 per unit entitlement (as defined in the Strata Property Act) per month in perpetuity with an annual inflation adjustment. The final amount to be determined by mutual agreement and prior to the issuance of approval. This compensation shall be borne by the owners of the Strata Plan of the Proposed Redevelopment and paid as part of their monthly Strata Fee. The amount of compensation is payable within 30 days at the end of the month and be stipulated as a condition for approval. This arrangement shall be in the form of a legally binding agreement between The Owners, LMS 2195 and the Owners, Strata Plan of the Proposed Redevelopment with proper recourse for The Owners, LMS 2195 in the event of any default by the Owners, Strata Plan of the Proposed Redevelopment prior to any approval that the City may grant for the Proposed Redevelopment. As a condition for approval by the City, construction can only commence when the issues set out in this point (5) are resolved. All cost pertaining to this agreement shall be borne by the developer.

This suggestion is fair and equitable because the developer will price the units taking into consideration height and view. Therefore, it is only fair that The Owners, LMS 2195 are

compensated for being deprived of our view and having to endure a worst off living condition in perpetuity.

#### PART B – Suggestions to enhance the vicinity

#### 1. Generate employment opportunities

The City should seriously consider using this opportunity to create the needed space that will generate employment opportunities for the residents in this vicinity. The City should redefine its planning approval by increasing the area for commercial, retail and eateries facilities and reducing the residential component such as reducing the tower from 40 floors to 30 floors and increasing the commercial component from 6 to 9 floors. This will ensure the Proposed Redevelopment blends with the existing skyline and at the same time create employment opportunities for the residents in the vicinity. This will create a more vibrant living environment.

One possibility for consideration is to allow the design to accommodate a satellite college or university campus. This will have the advantage of drawing more people to reside in this area and its surrounding vicinity.

Another possibility is to allow a properly designed food court which is currently lacking in this vicinity.

## 2. Encourage joint redevelopment with immediate neighboring lots

The City should also encourage joint redevelopment with immediate neighboring lots by providing incentive to the participating lot such as our property in the form of increased redevelopment density. The Proposed Redevelopment on the suggested lot is rather tight for the developer and the ultimate owners to yield any meaningful benefits, monetary and social, save for opportunistic speculative activities. This will not serve the long term interest of the City and the residents.

A joint redevelopment with lots 7010 and 7079 with yield a meaningful land size that will allow:

- a. the architect greater flexibility and creativity to enhance and rejuvenate the vicinity. Any architect will be excited to design a notable project given the enlarged space; and
- b. the developer to develop a project of landmark significance. If properly constructed, the reputation of the developer will enhance and for the occupants, a proud dwelling. This will over time enhance the value of this redevelopment which, in turn, will generate meaningful revenue for the City.

With the support of the City, The Owners, LMS 2195 are willing to explore any meaningful proposal for joint redevelopment that is beneficial to the City, the developer and our owners.

This could set the precedent to rejuvenate the City of Burnaby into a preferred place to live, work and raise a family. The longer term benefits that will accrue to the City cannot be dismissed lightly.

#### CONCLUSION

We hope your Council will:

- 1. give due consideration to our concerns, which are real and have serious consequences to the condition of our dwelling; and
- 2. at the same time consider our suggestions that have real and significant improvement for the well-being of our City.

We will be happy to engage your Council with a meaningful discussion to explore various means to improve our living environment and to transform the City of Burnaby to a place of preferred living.

#### CONTACT DETAILS

Please do not hesitate to contact Peter Leong or Niniek Hadisantoso : if you have any questions. Alternatively, you may send your correspondences in writing to the Council, LMS 2195 either:

- 1. by email to
- 2. by mail to

Council

The Owners Strata Plan LMS 2195

c/o Mr Peter Chan

FirstService Residential BC Ltd 200 Granville Street, Suite 700

Vancouver, BC

V6C 1S4

We look forward to hearing from you shortly.

Yours truly,

Peter Leong The Chair

Special Project Sub Committee

on behalf of Council

for The Owners, Strata Plan LMS 2195

Cc: Council, Strata Plan LMS 2195 -

Anthony Mendis Esther Chan

Niniek Hadisantoso

Ashley Liu Roneil Grant

#### Burnaby Zoning Bylaw 1965, Amendment Bylaw No 4, 2021 – Bylaw No 14299

I, the undersigned, am the registered owner residing at "City Club on the Park", the Strata Plan LMS 2195. I fully agree and support the representation dated March 30, 2021 by our Council to the City of Burnaby concerning the proposed redevelopment at 6958 and 6984 Kingsway, 7243 Greenford Avenue, 6957 and 6961 Beresford Street, Burnaby, BC.

No	Date	Name of owner	Unit	Signature
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2 (	13-26-3	4 LINDA COMPS	4	Thay
3	Mag 26,202	L NGUYENTHANG BUI	7	0
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11	May. 26/21	An Min Zhang	LH 208	30388
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No	Date	Name of owner	Unit	Signature	4
16	26/03/2021	Franklin Wa	7001		
17	26/03/2021	Yu Sheng Chiu	2008	Whlo:	
18	26/3/202	Ja Ven	>0 = 5	pris	
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No	Date	Name of owner	Unit	Signature
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32	Mar 26, 204	Yunlong Tay	MOV	Ho.
33	Mar 26, 2021	Minchen Chen	1403	Ad
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35	Mar/24/422	Heather Chung	1303	The state of the s
36	MAR/26/21	EWAN CHANNE	1307	
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No	Date	Name of owner	Unit	Signature
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57		Louise Harte	906	affaite
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59	March 27	Leon Harding Fei Fei Peng Pyako Nagaesana	1103	J. Porp
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No	Date	Name of owner	Unit	Signature
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62	27 MARCH	wei Bang Hu	1006	
63	27Nor	TAK CITI CITEON	9 \$ 901	2/1
64	27 MAR	Andre Ho	#903	Mar
62	27 MAR	KELLY DONEGAN	#904	Moregan
66	27/4/MR	KUAI LIZNG CHBUNG	# 905	Daniell
67	27 Mar	Jang Sajin	#803	
68	27 Max	John Schnarbus	#806	for her
69	27 Mas	DAN BIBEAU	705	Tank
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No	Date	Name of owner	Unit	Signature
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78		21 Jusuine Jia	302	Simp
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81	3/27/2021	C. BELLINGER	20/609	(Belling)
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No	Date	Name of owner	Unit	Signature
91	Mar 28, 2011	Calvin Ng.	1903	(dely)
92	Mar 28/21	Ritchie Chow	2003	12
93	Mar (28/21	Engi Fi	1004	July
94	Mar 28/2021	Debbie Shan/Yohan	1405	\$.
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No	Date	Name of owner	Unit	Signature
106	MARag	Nelson Lian	TH3	w
107	Mar 29	Karin Thelos	1803	KIT
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108	MAB 29	JEAN BENMAD GAGOE	TH 13	2
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1	March 29, 2021	Community Living Society	204	
2	March 29, 2021	Community Living Society	304	
3	March 29, 2021	Community Living Society	404	
4	March 29, 2021	Community Living Society	504	
5	March 29, 2021	Community Living Society	604	
6	March 29, 2021	Community Living Society	702	
7	March 29, 2021	Community Living Society	802	5
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10	March 29, 2021	Community Living Society	1102	Samuel Control
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