



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2022 September 28

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: **REZONING REFERENCE #19-64**
BYLAW 14355, AMENDMENT BYLAW NO. 18/21
High-Rise Market Strata, Market and Non-Market Rental Residential and Commercial Mixed Use Building
Third Reading

ADDRESS: 4653, 4669, 4673 Kingsway, 4638, 4646, 4654, 4662, 4670 Hazel Street and portion of lane right-of-way

LEGAL: Lot 3 Except Parcel "C" (Explanatory Plan 10925) and Parcel "C" (Explanatory Plan 10925) Plan 5957: Lots 19 and 20 Plan 8362; Lots A and B Plan 21775; Lot 20 Plan 1768; Parcel A Reference Plan 70310: All of District Lot 153 Group 1 New Westminster District 5957

FROM: C3 General Commercial District and R5 Residential District

TO: CD Comprehensive Development District (based on RM5s/RM5r Multiple Family Residential District, C3 General Commercial District and Metrotown Downtown Plan as guidelines and in accordance with the development plan entitled "Metro King" prepared by Chris Dikeakos Architecture Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2021 July 12;
- b) Public Hearing held on 2021 August 03; and,
- c) Second Reading given on 2021 September 01.

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. At the request of Council, the applicant has improved the skyline perspective. However, further refinements and a few remaining details will be resolved prior to Final Adoption.*
- b) The deposit of sufficient monies, including a 4% Engineering Administration 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 2022 May 20 to deposit the necessary funds, 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 2022 May 20.*
- d) The utilization of an amenity bonus in accordance with Section 4.4 of the Public Hearing report.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20.*
- e) The completion of the Highway Closure Bylaw.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20. The Road Closure Bylaw reference #20-05 achieved First, Second and Third Reading of Council on 2022 August 29.*
- f) The completion of the sale of City property.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20.*
- 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 in accordance with Section 4.11 of the Public Hearing report.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20, and the requisite statutory rights-of-way, easements and/or covenants will be deposited in the Land Title Office prior to Final Adoption.*

- i) The registration of a Housing Covenant and Agreement.
 - *The applicant has agreed to this prerequisite in a letter dated 2022 May 20. A Housing Agreement will be registered on title prior to the issuance of an Occupancy Permit for the building. A Section 219 Covenant guaranteeing this provision will be deposited in the Land Title Office prior to Final Adoption.*

- j) Compliance with the Council-adopted sound criteria.
 - *An acoustic study has been submitted for review, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*

- k) The submission of a suitable on-site stormwater management system to the approval of the General Manager 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 2022 May 20. A suitable on-site stormwater management system will require approval of the General Manager 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) Compliance with the City’s Groundwater Management for Multi-Family Development Guidelines.
 - *The applicant has agreed to this prerequisite in a letter dated 2022 May 20.*

- m) The review of a detailed Sediment Control System by the Climate Action and Energy Division.
 - *The applicant has agreed to this prerequisite in a letter dated 2022 May 20 and submitted a detailed Sediment Control Plan.*

- n) The submission of a suitable Solid Waste and Recycling Plan to the approval of the General Manager Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2022 May 20, and the necessary provisions are indicated on the development plans.*

- o) The review of on-site residential loading facilities by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2022 May 20, and the necessary provisions are indicated on the development plans.*

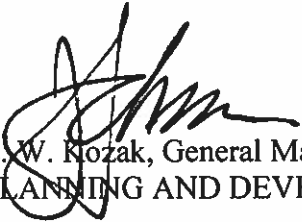
- p) The provision of seven covered car wash stalls and an adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the General Manager Engineering and a commitment to implement the recycling provisions.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20, and the necessary provisions have been indicated on the development plans.*
- q) The provision of facilities for cyclists in accordance with the Public Hearing Report.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20, and the necessary provisions have been indicated on the development plans.*
- r) 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 2022 May 20, and the necessary provisions have been indicated on the development plans.*
- s) The undergrounding of existing overhead wiring abutting the site.
- *The applicant has agreed to this prerequisite in a letter 2022 May 20, and will deposit the necessary funds prior to Final Adoption.*
- t) Compliance with the guidelines for underground parking for visitors.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20, and the necessary provisions have been indicated on the development plans.*
- u) Submission of a Public Art Plan prior to Rezoning Final Adoption.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20, and has submitted a detailed Public Art Plan.*
- v) Submission of a detailed Comprehensive Sign Plan prior to Rezoning Final Adoption.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20.*
- w) Submission of a Green Building Strategy prior to Rezoning Final Adoption.
- *The applicant has agreed to this prerequisite in a letter dated 2022 May 20.*

- x) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2022 May 20 to make the necessary deposits prior to Final Adoption.*
- y) The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2022 May 20 to make the necessary deposits prior to Final Adoption.*
- z) The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2022 May 20 to make the necessary deposits prior to Final Adoption.*
- aa) The deposit of the applicable Regional Transportation Charge.
 - *The applicant has agreed in a letter dated 2022 May 20 to make the necessary deposits prior to Final Adoption.*
- bb) The deposit of the applicable Metrotown Grade Separated Pedestrian Linkage Charge.
 - *The applicant has agreed in a letter dated 2022 May 20 to make the necessary deposits prior to Final Adoption.*
- cc) The deposit of the applicable Metrotown Open Space Charge.
 - *The applicant has agreed in a letter dated 2022 May 20 to make the necessary deposits prior to Final Adoption.*
- dd) 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 2022 May 04, and the area plan notification signs are in place.*

City Clerk
General Manager Planning and Development
Rezoning Reference #19-64
Third Reading
2022 September 28 Page 6

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 2022 October 03, 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, General Manager
PLANNING AND DEVELOPMENT

MP:tn:spf
Attachment

cc: Chief Administrative Officer

**BURNABY ZONING BYLAW 1965
AMENDMENT BYLAW NO. 18, 2021 - BYLAW NO. 14355**

Rez. #19-64

4653, 4669, 4673 Kingsway, 4638, 4646, 4654, 4662, 4670 Hazel Street and portion of lane right-of-way

From: C3 General Commercial District and R5 Residential District

To: CD Comprehensive Development District (based on RM5s/RM5r Multiple Family Residential District, C3 General Commercial District and Metrotown Downtown Plan as guidelines and in accordance with the development plan entitled "Metro King" prepared by Chris Dikeakos Architecture Inc.)

Purpose: to permit the construction of a high-rise market and non-market residential building with a commercial podium and a retail street frontage

Applicant: Anthem Metro King Hazel Holdings Ltd.

Fifty-one (51) letters were received in response to the proposed rezoning application:

1. Dillon Sangha, 5135 Newton Street, Burnaby
2. Julian Pattison, 4160 Sardis Street, Burnaby
3. Kevin Lee, 2188 Madison Avenue, Burnaby
4. Eddie WL Wong, 4645 Kingsway, Burnaby (*two submissions*)
5. Sharilyn Mason, Earl's Restaurant, 6070 Silver Drive, Burnaby
6. Albert C. Wong, 5652 Patterson Avenue, Burnaby
7. Ken Ng, 4405 Central Boulevard, Burnaby
8. Connor Stefanison, 271 Springer Avenue North, Burnaby
9. Kathy Yuen, 5641 Sardis Crescent, Burnaby
10. Kui Chung (Clayton) Lam, 4346 Barker Avenue, Burnaby
11. Cam Pasternak, 2355 Madison Avenue, Burnaby
12. Yeuk Yeung, 6538 Nelson Avenue, Burnaby
13. Barry Fan, 6080 McKay Avenue, Burnaby
14. Lin Jin, 4689 Hazel Street, Burnaby
15. Roland Wen, 4689 Hazel Street, Burnaby
16. Rhys Lothiemar (*no address provided*)
17. Sandy Li, 6080 McKay Avenue, Burnaby
18. (*name and address withheld upon request*), Burnaby

19. Jackson Chao, 4841 Inman Avenue, Burnaby
20. Dean John Hull, 4689 Hazel Street, Burnaby
21. Lois Reid, 6220 McKay Avenue, Burnaby
22. Ping Wan, 4689 Hazel Street, Burnaby
23. Linda Yu, on behalf of 18 owners of 4603 Hazel Street, Burnaby
24. Robert Cadez, 4191 Hazelwood Crescent, Burnaby
25. Kelly Bai, 6055 Nelson Avenue, Burnaby
26. Charles Wong, Property Manager, 4657 and 4689 Hazel Street, Burnaby
27. He Tian and Chang Fu Ling, 4689 Hazel Street, Burnaby
28. Ling-Ling Chang, 4828 Marine Drive, Burnaby
29. Chiu-Wei Chen, 4828 Marine Drive, Burnaby
30. Carter, 6098 Station Street, Burnaby
31. Jeanny Chang, 6188 Broadway, Burnaby
32. Zhao Tun (Tony) Wu, 4689 Hazel Street, Burnaby
33. Derek Cheuk Hin Hui, 5949 Clinton Street, Burnaby
34. Ho Pang Chan and Sylvia Chan, 6489 Hazel Street, Burnaby
35. Daniel Cui, 4555 Kingsway, Burnaby
36. Zack Chen, 9633 Manchester Drive, Burnaby
37. Michelle Ao, 4555 Kingsway, Burnaby
38. Cindy Hsiao, 4360 Beresford Street, Burnaby
39. Hamid Fakhri, 4689 Hazel Street, Burnaby
40. Harb Doad, 4657 Hazel Street, Burnaby
41. Donald Cho, 7063 Hall Avenue, Burnaby
42. Tuyet (Kim) Nguyen, 3770 Thurston Street, Burnaby
43. Yuzuo (Steve) Zhang, 4555 Kingsway, Burnaby
44. Clarence Yu, 4689 Hazel Street, Burnaby
45. Daniel Yeung, 3749 Kincaid Street, Burnaby
46. Leo Yang, 4555 Kingsway, Burnaby
47. Silvia and Peter Lo, 4689 Hazel Street, Burnaby
48. Ka Leung Hui and Luana Yu, 4689 Hazel Street, Burnaby
49. Hsien-Ju Claire Kao, 4689 Hazel Street, Burnaby
50. Chi Wing Lam, 4689 Hazel Street, Burnaby
51. Ida Lam, 4689 Hazel Street, Burnaby

The following speakers appeared before Council through the online webinar or teleconference in response to the proposed zoning bylaw amendment:

**Councillor Dhaliwal left the meeting at 5:52 p.m.*

Paul Faibish, Senior Vice President, Anthem Properties, #1100-1055 Dunsmuir Street, Vancouver, advised that he is on the development team and available to answer any questions that may arise during the Public Hearing.

**Councillor Dhaliwal returned to the meeting at 5:54 p.m.*

Eddie Wong, 4645 Kingsway, Burnaby, spoke in opposition to the proposed rezoning application. The speaker advised that 4645 Kingsway, that is adjacent to the proposed rezoning site, is a medical clinic serving approximately 80 clients a day. Dr. Wong expressed concerns regarding the safety of his patients during the construction phase, the effects of the construction on the foundation of his building, and compromised lane access and fire truck access.

John Hull, 4689 Hazel Street, Burnaby, spoke in opposition to the proposed rezoning application. The speaker expressed concerns regarding the significant scale of the development (over built for the neighbourhood), the length of the construction and the subsequent disruption to Hazel Street and residents, increased traffic congestion, and loss of sunlight and sightlines. Mr. Hull advised that the neighbourhood has been exposed to almost four years of construction due to the Townline development at Grange Street and Sussex Avenue.

Dan MacEachern, owner of Boston Pizza, #135-6200 McKay Avenue, Burnaby, spoke in support of the proposed rezoning application. The speaker advised that the development will increase the number of residents in the area, thereby vitalizing the business community. Further, Mr. MacEachern specified that the development will employ a large number of construction employees, and provide housing for families and seniors.

Hamid Fakhri, 4689 Hazel Street, Burnaby, spoke in opposition to the proposed rezoning application. The speaker expressed concerns regarding loss of sunlight and subsequent health concerns, and severely increased traffic congestion due to the current and proposed developments in the area.

Roland Wen, 4689 Hazel Street, Burnaby, spoke in opposition to the proposed rezoning application. The speaker expressed concerns regarding the size of development, loss of sunlight and subsequent health concerns, and the increase in air pollution, traffic congestion and noise. In conclusion, Mr. Wen advised that this development will adversely affect the families and seniors living at 4689 Hazel Street, many of whom cannot speak English and thereby were unable to participate in the Public Hearing.

Silvia Lo, 4689 Hazel Street, Burnaby, spoke in opposition to the proposed rezoning application. The speaker expressed concerns regarding the size of the development, loss of sunlight and subsequent health concerns, and the increase in air pollution, traffic congestion and noise.

Lois Reid, 6220 McKay Avenue, Burnaby, spoke in support of the proposed rezoning application. The speaker advised that the development will bring revitalization and urban renewal to the area.

Eddie Wong, 4645 Kingsway, Burnaby, spoke for a second time in opposition to the proposed rezoning application. The speaker expressed concern regarding the loss of property value due to construction, and reiterated his concerns regarding the safety of his clients during construction. Dr. Wong indicated that construction will have a negative impact on his clients' health and adversely affect his business.

Hamid Fakhri, 4689 Hazel Street, Burnaby, spoke for a second time in opposition to the proposed rezoning application. The speaker spoke to the newly constructed 559-unit Townline project and the West Burnaby United Church, both of which will result in added traffic congestion to the area.

Roland Wen, 4689 Hazel Street, Burnaby, spoke for a second time in opposition to the proposed rezoning application. Mr. Wen advised that the two speakers that have spoken in support of the development do not live in the neighbourhood.

Eddie Wong, 4645 Kingsway, Burnaby, spoke for a third time in opposition to the proposed rezoning application reiterating safety concerns, and requesting information from the Engineering Department regarding oversight of the construction site.

Luana Yu, 4689 Hazel Street, Burnaby, spoke in opposition to the proposed rezoning application. The speaker expressed concerns regarding the size of the development, and loss of sunlight and airflow resulting in the decline of the health and quality of life of residents.

Chi Wing Lam, 4689 Hazel Street, Burnaby, spoke in opposition to the proposed rezoning application. The speaker expressed concerns regarding the size of development, loss of sunlight, increased air pollution, traffic congestion and noise, which will result in increased mental health concerns.

Harb Doad, 4657 Hazel Street, Burnaby, spoke in opposition to the proposed rezoning application representing residents from 4657 and 4689 Hazel Street, many of whom are retired and do not speak English. The speaker requested an extension to allow time for further submissions by the owners of 4657 and 4689 Hazel Street who are directly impacted by the development. Mr. Doad expressed concern regarding the increased traffic congestion and noise, and the loss of quality of life. Residents are currently unable to leave to their parkades due to construction vehicles, and fear the congestion on Hazel Street will become far worse.

He Tian, 4689 Hazel Street, Burnaby, advised that they have raised concerns with the City numerous times regarding the current developments and the subsequent noise and traffic congestion; however, they have not received a response.

Harb Doad, 4657 Hazel Street, Burnaby, spoke for a second time in opposition to the proposed rezoning application. Mr. Doad reiterated that he is representing residents from 4657 and 4689 Hazel Street, many of whom are retired and do not speak English and requesting more time to make submissions in opposition to the development.

**Councillor Hillman left the meeting at 7:02 p.m.*

Claire Kao, 4689 Hazel Street, Burnaby, spoke in opposition to the proposed rezoning application. The speaker advised that they currently living with constant construction noise and congestion, which will only get worse if the development is permitted.

**Councillor Hillman returned the meeting at 7:04 p.m.*

Anna Melnikova, *address withheld upon request*, expressed concern regarding the existing traffic congestion in the area.

Silvia Lo, 4689 Hazel Street, Burnaby, spoke for a second time in opposition to the proposed rezoning application. Ms. Lo queried the length of construction time anticipated for this development.

He Tian, 4689 Hazel Street, Burnaby, spoke for a second time advising he has sent emails to the Mayor's Office regarding noise and environmental concerns, and requested a response.

**MOVED BY COUNCILLOR GU
SECONDED BY COUNCILLOR JOHNSTON
THAT this Public Hearing for Rez. #19-64, Bylaw No. 14355 be terminated.**

CARRIED UNANIMOUSLY