



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2021 April 07

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #17-40**
BYLAW14181, AMENDMENT BYLAW NO. 21/20
High-Rise Strata Tower and Low Rise Non Market Rental
Third Reading

ADDRESS: 58095 Barker Avenue, Portion of Olive Avenue ROW and Lane ROW

LEGAL: Lot 102, District Lot 151, Group 1, NWD Plan 34852

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 "Barker + Olive" prepared by IBI Group)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2020 July 06;
- b) Public Hearing held on 2020 July 28; and,
- c) Second Reading given on 2020 October 26.

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 2021 March 09 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 2021 March 09.*
- 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 2021 March 09, the applicant will deposit the funds prior to issuance of Preliminary Plan Approval. A Section 2109 Covenant to guarantee this provision, restricting 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 completion of the Highway Closure Bylaw.
 - *The applicant has agreed to this prerequisite in a letter dated 2021 March 09. The Road Closure Bylaw reference #20-00005 achieved First, Second and Third Reading of Council on 2021 March 209.*
- f) The completion of the sale of City property.
 - *The applicant has agreed to this prerequisite in a letter dated 2021 March 09.*
- 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 Section 2109 Covenants, in accordance with Section 4.12 of the Public Hearing report.
 - *The applicant has agreed to this prerequisite in a letter dated 2021 March 09, 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 Agreement.
 - *The applicant has agreed to this prerequisite in a letter dated 2021 March 09. A Housing Agreement will be registered on title prior to the issuance of an Occupancy Permit for the low rise rental building. A Section 2109 Covenant guaranteeing this provision will be deposited in the Land Title Office prior to Final Adoption.*

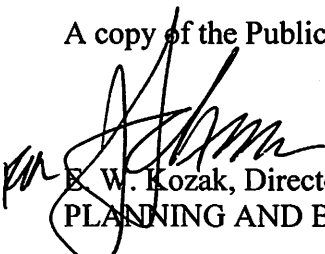
- j) The execution of a Tenant Assistance Plan, to the approval of the Director Planning and Building.
- *The applicant has agreed to this prerequisite in a letter dated 2021 March 09 and has submitted the requisite Tenant Assistance commitment in accordance with the City's Tenant Assistance Policy.*
- k) The review of a detailed Sediment Control System by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2021 March 09 and submitted a detailed Sediment Control System.*
- l) 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 2109 Covenant to guarantee its provision and continuing operation.
- *The applicant has agreed to this prerequisite in a letter dated 2021 March 09. 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.*
- m) Compliance with the City's Groundwater Management for Multi-Family Development guidelines is required.
- *The applicant has agreed to this prerequisite in a letter dated 2021 March 09, and the necessary Section 2109 Covenant to guarantee the provisions of the ground water management, will be deposited in the Land Title Office 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 dated 2021 March 09, 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 2021 March 09, the necessary provisions have been indicated on the development plans.*

- p) The provision of 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 2021 March 09, the necessary provisions have been 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 2021 March 09 and the necessary provisions are indicated on the development plans.*
- r) Compliance with the Council-adopted sound criteria.
- *The applicant has agreed to this prerequisite in a letter dated 2021 March 09. An acoustic study has been submitted for review by the Climate Action and Energy Division, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- s) 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 2021 March 09 agreeing to meet this prerequisite.*
- t) The submission of a Public Art Plan.
- *The applicant has agreed to this prerequisite in a letter dated 2021 March 09, and the required Public Art Plan will be submitted prior to Final Adoption.*
- u) The undergrounding of existing overhead wiring abutting the site.
- *The applicant has agreed to this prerequisite in a letter dated 2021 March 09 and will deposit the necessary funds prior to Final Adoption.*
- v) Compliance with the guidelines for underground parking for visitors.
- *The applicant has agreed to this prerequisite in a letter dated 2021 March 09 and the necessary provisions are indicated on the development plans.*
- w) The deposit of the applicable Parkland Acquisition Charge.
- *The applicant has agreed in a letter dated 2021 March 09 to make the necessary deposits prior to Final Adoption.*

- x) The deposit of the applicable GVS & DD Sewerage Charge.
- *The applicant has agreed in a letter dated 2021 March 09 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 2021 March 09 to make the necessary deposits prior to Final Adoption.*
- z) The deposit of the applicable Regional Transportation Cost Charge.
- *The applicant has agreed in a letter dated 2021 March 09 to make the necessary deposits prior to Final Adoption.*
- aa) 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 2021 March 09 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 2021 April 07, 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

JDC

Attachment

cc: Acting City Manager

BURNABY ZONING BYLAW 1965
AMENDMENT BYLAW NO. 21, 2020 - BYLAW NO. 14181

Rez. #17-40

5895 Barker Avenue, Portion of Olive Avenue ROW and Lane ROW

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 "Barker + Olive" prepared by IBI Group)

Purpose: to permit the construction of a single 42-storey high-rise strata apartment building with a separate six-storey non-market rental apartment building

Applicant: Concord Barker Project Limited Partnership

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

1. Stephanie Wei (Feng Yi Wei), #1003-5883 Barker Avenue, Burnaby
2. Nicole Ke Liu, Jeff Shi Hong, and Eden and Lucas Hong, #2303-5883 Barker Avenue, Burnaby
3. Ning Cheng, #703-5883 Barker Avenue, Burnaby
(four submissions – co-signed by 149 other residents of 5883 Barker Avenue)
4. Stephen Mayba, #207-5888 Olive Avenue, Burnaby
5. *No name provided*, 5883 Barker Avenue, Burnaby
6. Jackie Chen, #2202-5883 Barker Avenue, Burnaby *(two submissions)*
7. Steven (Yi-ming) Zhang, #505-5883 Barker Avenue, Burnaby *(two submissions)*
8. Chi Ying Wong, #1502-5883 Barker Avenue, Burnaby
9. Renata Milanovic, 7758 McGregor Avenue, Burnaby
10. Constance Lau, 6611 Chelmsford Street, Richmond
11. Howard Or, Sutton Group – West Coast Realty #205-2607 East 49th Avenue, Vancouver
12. Vivien Leung, #1008-5883 Barker Avenue, Burnaby
13. Mark Lee, 7531 Barkerville Court, Richmond
14. Wing Man Ng, 9025 Highland Court, Burnaby
15. Johnny C, 9150 University High Street, Burnaby
16. May Che Wai Kung and Henry Hin Chung Leung, #2603-5883 Barker Avenue, Burnaby
17. Heiko Hansen, #1203-5885 Olive Avenue, Burnaby
18. Shella Chan, #1-5050 Kingsway, Burnaby
19. Daphya Pen, 7210 18th Avenue, Burnaby

20. Glenda Gurtina, #1201-5790 Patterson Avenue, Burnaby
21. Catherine Wong, #704-5111 Brighthouse Way, Richmond
22. Al Louie, #2003-5833 Wilson Avenue, Burnaby
23. Tony Chan, RE/MAX, *no address provided*
24. Geoff Jarman, 5528 Buckingham Avenue, Burnaby
25. Ka Yan Wong, #910-455 Marine Drive SW, Burnaby
26. Devin Laurent, Oakwyn Realty Downtown, #400-1286 Homer Street, Vancouver
27. Natalie Ng, 5580 No. 3, Road, Richmond
28. Ashley Chen, 15689 93A Avenue, Surrey
29. Marko Milanovic, 4976 Watling Street, Burnaby
30. Tri Sestre, 4978 Watling Street, Burnaby
31. Gloria Perez, #501-5932 Patterson Avenue, Burnaby
32. Gene Wong, 7777 McGregor Avenue, Burnaby
33. Themie Papageorgiou, 4490 Harriet Street, Vancouver
34. Connie Mak, #330-950 Tomicki Avenue, Richmond
35. Wing, 5883 Barker Avenue, Burnaby
36. Abdulla Abdulla, #601-4118 Dawson Street, Burnaby
37. Po Hang (Leo) Chan, #2306-7303 Noble Lane, Burnaby
38. Mary Wong, *no address provided*
39. Gregory Galbraith-Hamilton, #41-5896 Barker Avenue, Burnaby
40. Brian Wu, 5883 Barker Avenue, Burnaby
41. Helen Lam, 7914 Manitoba Street, Vancouver
42. Becky Hill, #1108-6538 Nelson Avenue, Burnaby
43. Xiang Zhang, #6-6700 Rumble Street, Burnaby
44. Guanchu Wang, #3303-6538 Nelson Avenue, Burnaby
45. Terrence Yung, #4002-5883 Barker Avenue, Burnaby
46. Tak Yee Chan, #26-9277 121 Street, Surrey
47. Wai Wah Kong and Ka Yan Wong, #910-455 SW Marine Drive, Vancouver
48. Renatka Francisty Markwart, *no address provided*
49. Yiu Chui Hin, *no address provided*
50. Shengqi Wang, 346 62nd Avenue, Vancouver
51. Phoebe Li, Royal Pacific Realty, #100-1200 W 73rd Avenue, Vancouver
52. Vincent Chan, *no address provided*
53. Preston Hoy, #309-7090 Edmonds Street, Burnaby
54. Sherman Quon, 6421 Charing Court, Burnaby
55. Sue Jean Cho, #113-4868 Brentwood Drive, Burnaby
56. Vera Ng, [REDACTED]
57. Michael Kirk, #3605-5883 Barker Avenue, Burnaby
58. Yue Yun (Katy) Weng, #3605-5883 Barker Avenue, Burnaby

59. Peixue Hu, 3977 Thurston Street, Burnaby
60. Amanda Walker, Homelife Benchmark Realty Corp, White Rock
61. Manny Bains, Royal LePage West Real Estate Services, #6-9965 152nd Street, Surrey
62. Peter Stojakovic, 6777 Balmoral Street, Burnaby
63. Stephanie Ho, #2601-530 Whiting Way, Coquitlam
64. David Hu, #3703-5883 Barker Avenue, Burnaby
65. Sultana Filidoglu, PH12-5388 Grimmer Street, Burnaby
66. Kathleen Plante, #806-5883 Barker Avenue, Burnaby
67. Mike Stewart, Oakwyn Realty Downtown Ltd., #400-1286 Homer Street, Vancouver
68. Harry Joa and Emily Ho, #1007-7108 Collier Street, Burnaby
69. Bev Weber, #114-5932 Patterson Avenue, Burnaby
70. Dun Qing Huang, 800 Wilson Avenue, Burnaby
71. Ali Dehzad, *no address provided*
72. Chee Yun Tsue, #2904-4508 Hazel Street, Burnaby
73. Yuzhu Lu (Luna), #2207-5883 Barker Avenue, Burnaby
74. Yolanda Chan, #804-4350 Beresford Street, Burnaby
75. Reinhard Schauer, #201-5868 Olive Avenue, Burnaby
76. He Chen, #3607-5883 Barker Avenue, Burnaby
77. Kenneth Chow, 5895 Barker Avenue, Burnaby
78. Edward Wilson, Lawson Lundell LLP,
#1600-925 West Georgia Street, Vancouver (*two submissions*)
79. Haykal Hashim, Oakwyn Realty Downtown Ltd., #400-1286 Homer Street, Vancouver
80. Tony Ho, 1551 Cliff Ave, Burnaby
81. G. Pettipas, 436 7th Street, New Westminster
82. Tingting Cai, Dunblane Avenue, Burnaby
83. Jiahui Chen, #1904-4900 Lennox Lane, Burnaby

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

Kevin Chung, #1906-5883 Barker Avenue, Burnaby, stated concerns with the proposed traffic plan and the proposition to redirect traffic to Barker Avenue. He believes the traffic should be routed through Olive Avenue. In addition, Mr. Chung expressed concerns with lack of street lighting.

John Unger, #12E-6128 Patterson Avenue, Burnaby, spoke in opposition to all high-rises in the area, and expressed concerns with traffic, increased demand on service, parking and SkyTrain, loss of trees and green space, and increased echo from the high-rises. Mr. Unger requested the City conduct a survey of area residents to determine support of the high-rises.

Peng (Lucy) Zhang, #2306-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application. The speaker noted that parking and the entrance to the development poses a safety and traffic threat to the area, and should be re-routed. There is already lack of temporary drop off and loading area. She believes that bottlenecked roundabout traffic and vehicles exiting the building will cut off the sidewalk. Ms. Zhang requested new parking area and increased space between the proposed building and the existing buildings. The speaker inquired regarding garbage pick-up, and expressed concerns what would happen in the event of fire or earthquake. The speaker expressed further concerns with loss of peaceful enjoyment of the residents' lives, and loss of sun, and requested a shadow study to ensure people have sunlight to increase mental health.

Cheng Chak Chung, #705-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application, and agreed with the issues noted by previous three speakers. Mr. Chung expressed concerns about loss of view, and decrease in home value. He believes there was a lack of meaningful consultation and consideration of the residents in the neighbourhood. The speaker further believes there is a lack of distance between the proposed building and current buildings.

Jennifer Paige, #101-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application. Ms. Paige expressed concerns that the entrance off Barker Avenue is already busy, there is a lack of lighting on Barker and Olive Avenues, and requested increased lighting.

Peter Webb, Sr. Vice President, Concord Pacific, 1095 W Pender Street, Vancouver, advised he is listening and available to answer any questions.

Clayton Aelberg, #110-5932 Patterson Avenue, Burnaby, advised that during a fire in one of the units, the Fire Department could not access the building, and had to go through the alleyway. Muster station is in the back lane. Removing the alley takes away an emergency exit for Barker Avenue. The speaker expressed concerns with decreased quality of life, and loss of privacy, as well as garden will die due to loss of light.

Ron Johnson, #210-5932 Patterson Avenue, Burnaby, spoke in opposition to the proposed rezoning application, and expressed concerns with the proposed access through the alleyway. He submitted legal letters to the City regarding fire access and upgrade requirements. The speaker is concerned about servicing in and out of the building, increased parking issues, loss of privacy and increased noise issues.

Lu Yuzhu, #2207-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application. The speaker referred to a petition containing 149 signatures against the proposed development, and expressed the following concerns: the construction on Barker Avenue will be bottlenecked; 366 new units and the related cars will result in constant traffic, increased accidents and pedestrian deaths; if there is a fire or emergency, the entire street will be blocked; and garbage disposal will be outside the building in close proximity to the neighbouring buildings (smell, rats, and bugs). The speaker requested Council does not approve the building, or limit height to the same as neighbouring buildings, and change the entrance to the building.

Ning Chen, #704-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application. The speaker submitted emails and a petition in opposition, and requested Council review the feedback and protect the existing residents before developing new towers. It was noted that building access off Barker Avenue will be impacted by the construction and increased noise, and requested Council consider combining Rez. #17-35 with Rez. #17-40.

Brian Wo, #2305-4670 Kingsway, Burnaby, spoke in support of the proposed rezoning application, as it will provide needed housing in the area. New buildings are needed in that area as there is limited supply, and all options are high cost.

Cecilia Yu, #303-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application, and expressed concerns that Barker Avenue access is not very long and will be congested, a garbage location will cause the buildings downwind to smell. This will have negative impact on quality of life. Ms. Yu further noted that the increased building population increase demand for daycare services.

Kathleen Plant, #806-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application. The speaker expressed concerns that the proposed building on Patterson Avenue (Rez. #17-35) will increase congestion on Barker Avenue.

Joel McFaul, #1903-5883 Barker Avenue, Burnaby, spoke in support of the proposed rezoning application, as he is happy to see more homes and affordable housing options, and rental options during housing crisis. The speaker noted issues with poor design of the existing roundabout, and requested Council to consider fixing it. He supports the location of the garbage, as it will not result in noise when moving up to grade.

Steven Xi Xue, #3905-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application. Mr. Xue does not support additional highrises in the community, and expressed concerns with noise, construction dust, and pollution. The speaker further noted that the building is higher than existing buildings, and he is concerned with the close proximity of the proposed building, loss of privacy, and loss of property value.

David Hu, #3337-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application, and inquired about the purpose of the hearing. Mr. Hu inquired what is Council considering when determining if they will support or oppose the proposed bylaw.

Stephanie Wei, #1003-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application, and expressed concerns about the traffic on Barker Avenue, and issues with delivery and service drivers, as there is no temporary parking or loading area.

Olivier Tsui, #3608-5883 Barker Avenue, Burnaby, spoke in opposition to the proposed rezoning application. The speaker believes there was a lack of public consultation, and requested Council consider the traffic issues on Barker Avenue. He also inquired regarding a type of control measures that will be provided. Mr. Tsui further requested that the City provide traffic impact assessment to the residents, and requested Council review a corridor impact assessment. The speaker suggested the City consider a buffer around properties, e.g. hedges, trees etc., as the current plan has view of all the concrete and garbage.

Cheng Chak Chung, #705-5883 Barker Avenue, Burnaby, spoke for a second time, and expressed concerns regarding density, traffic, and noise. Mr. Chung inquired if there can be more community consultation, surveys or meetings. The speaker believes that building high-rise condominiums will not make the units more affordable, and Council should consider other options to include more housing in Burnaby.

Peng (Lucy) Zhang, #2306-2883 Barker Avenue, Burnaby, spoke for a second time, and noted that a goal is to develop a beautiful peaceful community, and she hopes Council will support sustainable development.

Heather Verriet, 6630 McKay Avenue, Burnaby, spoke in opposition to the proposed rezoning application and requested Council consider moving the building to another location.

David Hu, #3337-5883 Barker Avenue, Burnaby, spoke for a second time, and inquired regarding the benefit of the development in the area, consultation to determine the need for development in the area, and its impact.

Cheng Chak Chung, #705-5883 Barker Avenue, Burnaby, spoke for a third time and noted he is not opposed to extra housing in the neighbourhood but he is opposed to the height of the building.

Yuzhu Lu, #2207-5883 Barker Avenue, Burnaby, spoke for the second time and asked the developer to financially reimburse the existing owners due to disturbing their quality of life.

Ning Chang, 5883 Barker Avenue, Burnaby, requested Council ensure protection of other buildings from noise and smell.

MOVED BY COUNCILLOR CALENDINO
SECONDED BY COUNCILLOR KEITHLEY

THAT this Public Hearing for Rez. #17-40, Bylaw No. 14181 be terminated.

CARRIED UNANIMOUSLY

**MOVED BY COUNCILLOR JORDAN
SECONDED BY COUNCILLOR JOHNSTON**

THAT the comments raised in the letters and petitions be REFERRED to staff and report back to Council prior to second reading.

CARRIED UNANIMOUSLY