

CITY OF BURNABY
HOUSING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

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RE: PROVISION OF AREA PLAN INFORMATION TO PURCHASERS

RECOMMENDATIONS:

1. **THAT** Council approve the approach for requiring developers to provide prospective purchasers of residential units the relevant community or development plan information as outlined in this report.
2. **THAT** copies of this report be forwarded to those development companies that corresponded with the Committee on this subject following Council approval of the approach outlined in this report.

REPORT

The Housing Committee, at its Open meeting held on 2003 April 29, received and adopted the *attached* report regarding the advisability and feasibility of requiring developers of multi-family residential projects to provide prospective purchasers with relevant Area Plan information.

The Committee noted two ways in which this could be accomplished. One approach is to require the developer, as a condition of rezoning, to distribute an area plan notification form (prepared by the City) along with their disclosure statements. The second approach is to require that signage showing an area plan context be placed at developers' sales offices and development sites. The Committee advised that these two approaches should be required concurrently under a single prerequisite requirement to a rezoning application as a matter of city-wide policy applying to multiple family residential rezoning applications in Council-adopted community and/or development plan areas. The Committee also noted that the signs should be posted for 1 year, or until all units are sold, whichever is greater.

Respectfully submitted,

Councillor C. Redman
Chair

Councillor D. Johnston
Vice Chair

Councillor C. Jordan
Member

:COPY - CITY MANAGER
- DIRECTOR PLANNING & BUILDING
- DIRECTOR ENGINEERING
- CHIEF BUILDING INSPECTOR
- CITY SOLICITOR

TO: CHAIR AND MEMBERS
HOUSING COMMITTEE

2003 April 25

FROM: DIRECTOR PLANNING AND BUILDING

Our File: RZ #02-03

SUBJECT: PROVISION OF AREA PLAN INFORMATION TO PURCHASERS

PURPOSE: To respond to the Committee's request for information pertaining to the advisability and feasibility of requiring developers of multi-family residential projects to provide prospective purchasers with relevant Area Plan information.

RECOMMENDATIONS:

1. **THAT** the Committee recommend to Council the approach for requiring developers to provide prospective purchasers of residential units the relevant community or development plan information as outlined in this report.
2. **THAT** copies of this report be forwarded to those development companies that corresponded with the Committee on this subject following Council approval of the approach outlined in this report.

REPORT

1.0 BACKGROUND

At the 2003 January 28 Housing Committee meeting, a request was made under new business for a staff report on the advisability and feasibility of establishing mechanisms to require developers of multiple family residential projects to inform prospective purchasers of relevant surrounding area plan information. On 2003 March 03, Council considered a report from the Housing Committee on this matter and raised a number of issues to be further considered by the Committee. Furthermore, the Housing Committee also received correspondence and delegations from two development companies at its 2003 March 17 meeting. Concerns from the developers largely centred on the appropriateness of the area plan notification sign being required to be placed in the sales office (lack of space and technical nature of the plan conflicting with artistic marketing concepts), and the potential liability associated with the requirement that developers include area plan information in their disclosure statements. Subsequently, the Committee and Council discussed the concerns raised by Council and the development community during closed sessions of their respective meetings. This report provides a slightly modified approach for requiring area plan notification by developers, and in so doing, addresses the concerns raised by Council and the development community.

It is noted that the impetus for the Committee's request arises, in part, from comments received at the Public Hearing for Rezoning Reference #02-03 (2002 December 17) – which proposes two high-rise multiple family towers with street fronting townhouses on a development site to the south of the Lougheed Highway, between Madison and Rosser Avenues. Residents from the recently-developed residential high-rises across Lougheed to the north alleged they were misled by sales agents as to the nature of potential development on the subject site.

2.0 NOTIFICATION BY DEVELOPERS OF AREA PLANS

It is acknowledged that representations made by developers or their sales staff of area plans or redevelopment potential of surrounding sites is not governed by the City, and therefore it is difficult for the City to address allegations of misrepresentation. Nevertheless, it would be useful to adopt an approach that would compel developers and their sales staff to provide contextual information to prospective purchasers through mechanisms associated with the rezoning process. The following discussion outlines two such mechanisms.

2.1 Disclosure Statements

The *Real Estate Act* requires that developers or agents acting on their behalf, in multi-lot subdivisions or multi-family strata developments, provide a disclosure statement to prospective purchasers which must be read and acknowledged by the purchaser (by signature) in order for the sale to close. While the *Real Estate Act* does not specifically require acknowledgment of the surrounding properties' redevelopment potential in the disclosure statement, it is suggested that such a requirement could be made a prerequisite condition to a rezoning proposal as a matter of city-wide policy. As such, it is being recommended that applicants making a rezoning application in community plan areas be required to submit a letter of undertaking to distribute an area plan notification form (prepared by the City) with their disclosure statement, as a condition of Council's approval of the rezoning application.

It is noted, however, that any information related to the notification form would be based on the best available information at the time it is written, acknowledging that such plans, from time to time, undergo adjustments. It is also noted that the foregoing approach would only apply to new developments requiring a Public Hearing, and that there may be some limited instances where this approach could not apply (e.g., redevelopment under prevailing zoning).

Requiring developers and their sales staff to distribute area plan notification forms with their disclosure statements, as a prerequisite condition to their rezoning application, appears to be a viable way to ensure prospective purchasers are made aware of a surrounding area's development potential. To ensure prospective purchasers are made

aware of the area plan notification form, developers will be required to include a statement of fact within their disclosure statements as to the existence of the notification form. The area plan notification form itself would not be included within the body of the disclosure statement, but instead would be a separate item provided at the same time. It is believed that this approach would satisfy the development community's concerns over potential liability for the accuracy of the information. It is emphasized that this approach ought to be undertaken only in relation to multiple-family developments in areas which have adopted community and/or development plans; and, that this approach is not intended to supplant the due diligence expected of prospective purchasers of any real estate in Burnaby.

2.2 Signage

As with contextual information provided in disclosure statements, it is also within Council's purview to require signage showing area plan information at a developer's sales office and development site, as a prerequisite condition of rezoning. In this regard, it is being recommended that as a prerequisite condition to a rezoning application, the applicant/developer would be required to submit a letter of undertaking that would require them to post a sign showing the subject property within the area plan's context, along with information pertaining to potential surrounding land uses, densities and building forms, in addition to City Hall contact information, at the developer's sales office and development site. To ensure uniformity, the following standards for these signs are proposed.

- Size: 24" (2 ft.) by 36" (3 ft.)
- Information to be included:
 - name of applicable community and/or development plan
 - map showing the subject property in the context of the applicable area plan
 - potential surrounding land uses, densities and general building forms (e.g., townhouses, low-rises, high-rises)
 - Planning Department phone number as a source for more detailed information

A reduced mock-up of the above sign standards is *attached* for the Committee's information. It should be noted that the foregoing signage is to be produced by City staff (to ensure accuracy of information) for purchase by the developer at-cost, and situated within the developer's sales office and on the development site in a prominent and visible location. Signage will be required to be installed prior to Third Reading, or the completion of any sale, whichever is first. Finally, it would be required that the signage remain posted for one year, or until such time that all units are sold, whichever is greater.

2.3 Public Displays

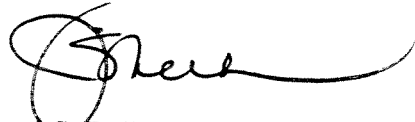
As appropriate, City staff could also hold informal displays within shopping malls from time to time in areas undergoing considerable high-density redevelopment, such as in town centres. Furthermore, dissemination of development plans could also on occasion be pursued in these areas to provide the general community with information relating to their area.

3.0 IMPLEMENTATION OF PROGRAM

With respect to timing, it is suggested that the foregoing area plan notification requirements not be retroactive (i.e., applying to in-stream applications that have already been forwarded to Public Hearing). Rather, it is proposed that the notification requirements described above, if approved, apply to all new multiple-family residential rezoning applications for projects in community plan areas when they are being recommended for forwarding to a Public Hearing.

4.0 CONCLUSION

The preceding discussion proposes two ways in which a developer would be compelled to provide prospective purchasers with contextual area plan information. One approach proposes to require the developer, as a condition of rezoning, to distribute an area plan notification form (prepared by the City) along with their disclosure statements. The other approach proposes signage showing an area plan context be placed at developers' sales offices and development sites. It is recommended that these two approaches be required concurrently under a single prerequisite requirement to a rezoning application as a matter of city-wide policy applying to multiple family residential rezoning applications in Council-adopted community and/or development plan areas. It is also recommended that the signs are required to be posted for one year, or until all units are sold, whichever is greater. It is believed that the foregoing approach is balanced, non-onerous and addresses the concerns raised by both Council and the development community.

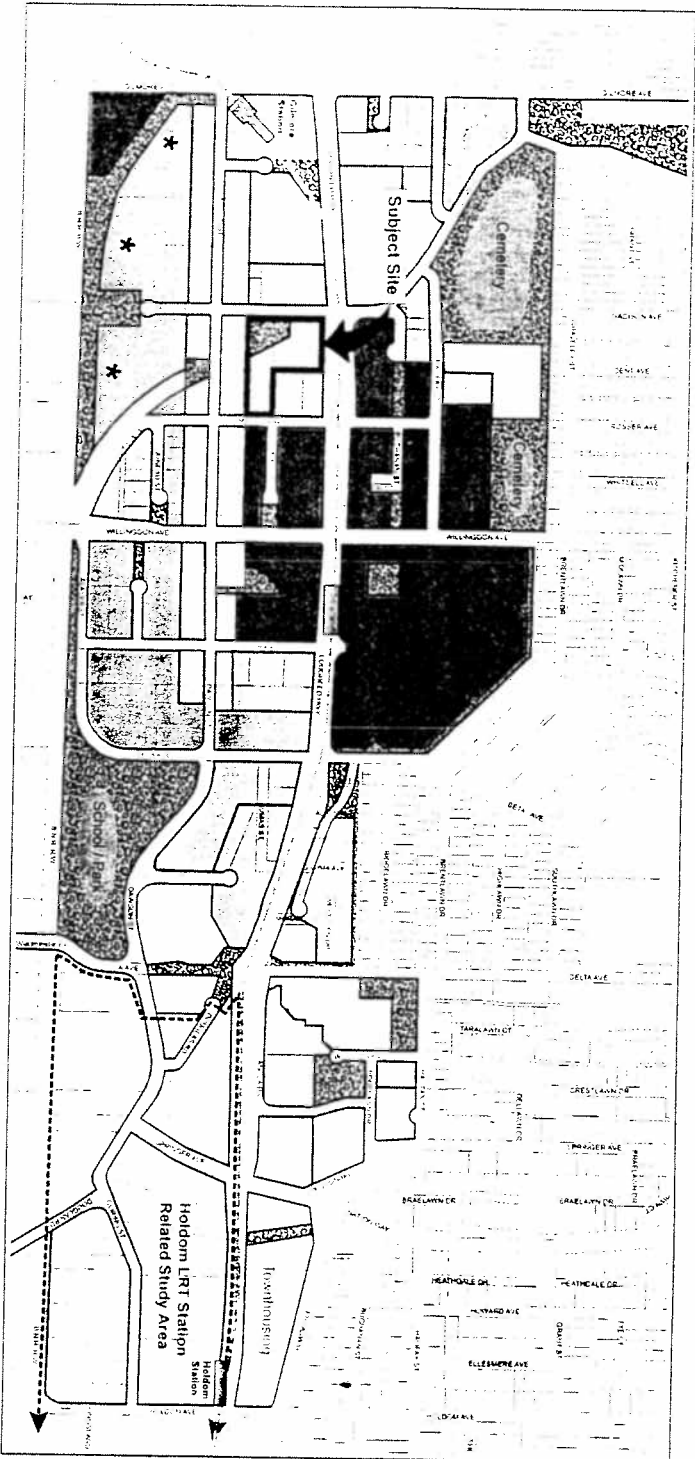


J.S. Belhouse, Director
PLANNING AND BUILDING

EK/sa:sla
Attachment

cc: City Manager
Chief Building Inspector
City Solicitor
Director Engineering

Notification of Area Plan



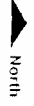
Brentwood Town Centre Development Plan

Land Use Concept

- ▶ Core Development
(Commercial, Medium Density Residential)
- ▶ Village Street
(Commercial, Medium Density Residential)
- ▶ Residential (High Density)
(Residential High Rise)
- ▶ Residential (Medium Density)
(Residential Low Rise)
- ▶ Succession (Industrial to Residential)
(Industrial Low Rise, Medium Density Residential)
- ▶ Secondary Commercial
(Retail, High Rise)
- ▶ Industrial
(Low Rise)
- ▶ Public Open Space
(Park, Public Open Space)
- * ▶ Site may include Tower Forms



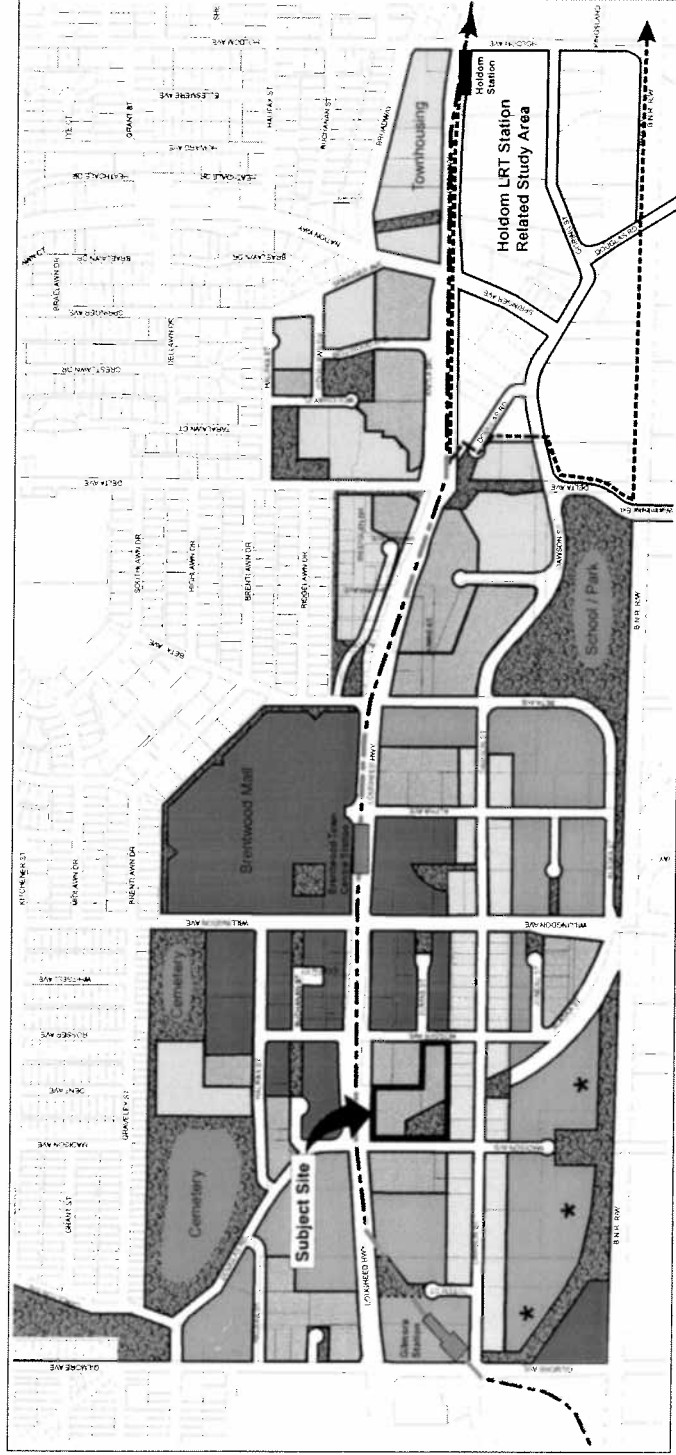
February 26, 2003



North

This information is diagrammatic and is subject to change. For more detailed information contact the City of Burnaby Planning Department at 604-294-7433.

Notification of Area Plan



Brentwood Town Centre Development Plan

Land Use Concept

- ▲ Core Development (Commercial/Residential High Rise)
- ▲ Village Street (Commercial/condensed/Low Rise Apartments)
- ▲ Residential (High Density) (Residential High Rise)
- ▲ Residential (Medium Density) (Residential Low Rise)
- ▲ Succession (Industrial to Residential) (Residential Low Rise with lower forms possible on indicated sites)
- ▲ Secondary Commercial (Commercial High Rise)
- ▲ Industrial (Low Rise)
- ▲ Public Open Space (Park/Public Open Space)
- ★ Site may include Lower Forms



February 26, 2003

North

This information is diagrammatic and is subject to change. For more detailed information, contact the City of Burnaby Planning Department at: 604-294-7400.

