



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2015 December 09

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #13-20**
AMENDMENT BYLAW NO. 19/15 ; BYLAW #13489
Conceptual Master Plan and Phase Ia (Two high-rise apartment buildings)
Third Reading

ADDRESS: 4756/4828/4874 Lougheed Highway, 4818/4828/4829 Dawson Street,
2235/2285/2311 Delta Avenue and 2316 Beta Avenue

LEGAL: See Schedule A (*attached*)

FROM: M2 General Industrial District, R3 Residential District and CD Comprehensive Development District (based on P3 Park and Public Use District)

TO: CD Comprehensive Development District (based on RM4s, RM5s Multiple Family Residential Districts and Brentwood Town Centre Development Plan as guidelines) and P3 Park and Public Use District, and in accordance with the development plan entitled "Woodlands Site Master Plan and Phase Ia" prepared by James K.M. Cheng Architects Inc.

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2015 July 06;
- b) Public Hearing held on 2015 July 21; and,
- c) Second Reading given on 2015 August 24.

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 2015 December 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, 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 2015 December 09.*
- d. Demolition of any improvements will be permitted after Second Reading of the Rezoning Bylaw has been granted provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse and vandalism. If requested, demolition may be delayed to more closely coincide with approval of building permits.
 - *Due to existing tenancies on-site, the applicant has requested, in a letter dated 2015 December 09, to permit the demolition of the existing improvements at 4756 Lougheed Highway within six months of the rezoning being affected.*
- e. The utilization of an amenity bonus through the provision of a \$8,885,760 cash in-lieu contribution in accordance with Section 7.3 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and will deposit the necessary funds prior to Final Adoption.*
- f. The consolidation and re-subdivision of the site into five parcels.
 - *A conceptual subdivision plan has been submitted for the site identifying the proposed five private parcels and one park parcel. The requisite subdivision plan of consolidation for Phase Ia has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- g. The dedication of any rights-of-way deemed requisite.
 - *A subdivision plan dedicating the requisite rights-of-way has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- h. The granting of any necessary covenants, including, but not necessarily limited to, Section 219 Covenants:

- allocating development densities on the overall site;
 - guaranteeing provision and maintenance of public art;
 - guaranteeing the provision of a Master Site Stormwater Management Plan and continued operation and maintenance of Phase Ia stormwater management facilities;
 - ensuring compliance with the approved acoustical study;
 - for the provision and ongoing maintenance of the Stickleback Creek Streamside Protection and Enhancement Area;
 - restricting occupancy of Phase IIIa of the development pending provision of identified park lands to City standards;
 - ensuring that handicap accessible parking stalls in the underground residential parking areas be held in common property to be administered by the Strata Corporation;
 - ensuring the provision and ongoing maintenance of EV cars and EV plug-in stations;
 - for the provision and ongoing maintenance of on-site car share vehicles and parking stalls;
 - restricting enclosure of balconies;
 - ensuring the protection of suitable trees on-site during construction;
 - ensuring that the site can be used safely in accordance with the approved geotechnical report, and that the project does not draw down the water table;
 - no build for Phase IIIb until the park has been provided to the City; and,
 - indicating that project surface driveway access will not be restricted by gates.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- i. The granting of any necessary statutory rights-of-way and easements, including, but not necessarily limited to those:
- guaranteeing public access to the proposed grand staircase and elevator facilities connecting Loughheed Highway to Yukon Crescent; and,
 - guaranteeing reciprocal access to and from pedestrian facilities on 2088 Beta Avenue.

- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and the requisite statutory rights-of-way and easements will be deposited in the Land Title Office prior to Final Adoption.*
- j. The approval of the Ministry of Transportation to the rezoning application.
- *The preliminary approval of the Ministry of Transportation to the subject rezoning proposal has been obtained. Final approval of the rezoning bylaw will be obtained prior to Final Adoption.*
- k. The completion of the Highway Closure Bylaw.
- *The Highway Closure Plans have received Third Reading by Council. Final approval of the Highway Closure and deposit of the Bylaw plans in the Land Title Office will be advanced prior to Final Adoption.*
- l. The completion of the sale of City property.
- *Council has approved the sale of City property to be acquired by the applicant. The sale will be completed prior to Final Adoption.*
- m. The submission of a Site Profile and resolution of any arising requirements.
- *The applicant has submitted the required Site Profile, which is being processed to determine if remediation measures are required.*
- n. The review of a detailed Sediment Control System by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09. A detailed Sediment Control System plan has been submitted to the Engineering Department – Environmental Services for approval prior to Final Adoption.*
- o. The submission of a Master Conceptual Stormwater Management Plan and suitable on-site stormwater management system for Phase Ia 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 2015 December 09. A Master Conceptual Stormwater Management Plan and suitable on-site stormwater management system has been submitted for Phase Ia for the 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.*

- p. The submission of a Master Servicing and Phasing Plan.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and a Master Servicing and Phasing Plan has been submitted.*
- q. The submission of a Construction Management and Access Plan.
- *The applicant has agreed in a letter dated 2015 December 09 to submit the required Construction Management and Access Plan prior to Final Adoption.*
- r. The submission of a Streamside Protection and Enhancement Area landscape plan.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and a Streamside Protection and Enhancement Area landscape plan has been submitted.*
- s. The submission of a District Energy Pre-feasibility study.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and a District Energy Pre-feasibility study has been submitted.*
- t. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09. A detailed Solid Waste and Recycling Plan has been approved by the Engineering Department – Environmental Services Division.*
- u. The design and provision of units adaptable to persons with disabilities with allocated handicap parking spaces protected by a Section 219 Covenant.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and the necessary provisions are indicated on the development plans.*
- v. The undergrounding of existing overhead wiring abutting the Phase Ia site.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and will deposit the necessary funds prior to Final Adoption.*
- w. The provision of covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement the recycling provisions.

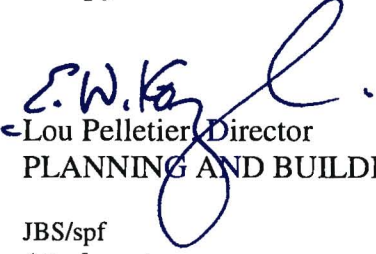
- *The necessary provisions are indicated on the development plans and the applicant has submitted a letter of undertaking dated 2015 December 09 committing to implement the recycling provisions.*
- x. Compliance with the guidelines for underground parking for visitors.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and the necessary provisions are indicated on the development plans.*
- y. The review of on-site residential loading facilities by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09. An on-site residential loading plan has been submitted to the Engineering Department – Traffic Division for approval prior to Final Adoption.*
- z. The submission of an acoustic study to ensure compliance with the Council-adopted sound criteria.
- *An acoustic study has been submitted for review by the Engineering Environmental Services Division, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- aa. The undergrounding of existing overhead wiring abutting the site.
- *The applicant has agreed to this prerequisite in a letter dated 2015 December 09, and will deposit the necessary funds prior to Final Adoption.*
- bb. The deposit of the applicable Parkland Acquisition Charge.
- *The applicant has agreed in a letter dated 2015 December 09 to make the necessary deposits prior to Final Adoption.*
- cc. The deposit of the applicable GVS & DD Sewerage Charge.
- *The applicant has agreed in a letter dated 2015 December 09 to make the necessary deposits prior to Final Adoption.*
- dd. The deposit of the applicable School Site Acquisition Charge.
- *The applicant has agreed in a letter dated 2015 December 09 to make the necessary deposits prior to Final Adoption.*

ee. 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 provided a letter of undertaking dated 2015 December 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 2015 December 14, 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.


- Lou Pelletier, Director
PLANNING AND BUILDING
JBS/spf
Attachment

cc: City Manager

Rezoning Reference #13-20 Schedule "A"

Address	Legal Description	PID
4756 Lougheed Highway	Lot 2 Except: Part Road on Statutory Right of Way Plan 4957; DL 124, Group 1, NWD Plan 3935	002-877-252
4828 Lougheed Highway	Lot 124, DL 124, Group 1, NWD Plan 36610	002-853-051
4874 Lougheed Highway	Lot 8, Block 84, DL 124, Group 1, NWD Plan 1543	012-225-983
4818 Dawson Street	Lot 4, DL 124, Group 1, NWD Plan BCP20675	026-480-077
4828 Dawson Street	Block 86, Except: Firstly; Part in Plan 13192, Secondly; Part in Plan BCP20675, DL 124, Group 1, NWD Plan 3348	025-313-266
4829 Dawson Street	Lot A, Except Part In Plan 13192, of Block 85, DL 124, Group 1, NWD Plan 3348	025-313-207
2235 Delta Avenue	Lot B, Except Part in Plan 13192, of Block 85, DL 124, Group 1, NWD Plan 3348	026-056-259
2285 Delta Avenue	Lot "D", Except Part in Plan BCP20675, DL 124, Group 1, NWD Plan 3348	010-995-889
2311 Delta Avenue	Parcel "One" (Explanatory Plan 13194) of Parcel "E" (Reference Plan 5276), DL 124, Group 1, NWD	007-313-039
2316 Beta Avenue	Parcel "E" (Reference Plan 5276), DL 124, Group 1 Except Parcel 1 (Explanatory Plan 13194), NWD	001-506-986

**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 19, 2015 - BYLAW NO. 13489**

Rez. #13-20

4756/4828/4874 Lougheed Highway, 4818/4828/4829 Dawson Street, 2235/2285/2311 Delta Avenue, and 2316 Beta Avenue

From: M2 General Industrial District, R3 Residential District and CD Comprehensive Development District (based on P3 Park and Public Use District)

To: CD Comprehensive Development District (based on RM4s, RM5s Multiple Family Residential Districts and Brentwood Town Centre Development Plan as guidelines) and P3 Park and Public Use District, and in accordance with the development plan entitled "Woodlands Site Master Plan and Phase 1a" prepared by James K.M. Cheng Architects Inc.

The purpose of the proposed zoning bylaw amendment is to establish a Conceptual Master Plan, Design Guidelines and a detailed first phase of development for the subject site, which would provide for specific development rights for the initial phase; and guide further site specific rezoning applications for the development of a multi-phased high-rise apartment and ground-oriented townhouse development with neighbourhood scale commercial uses along Dawson Street.

The Advisory Planning Commission advised it supports the rezoning application.

Four letters were received in response to the proposed bylaw amendment.

OPPOSED:

Lilia Cheung, 410-4799 Brentwood Drive, Burnaby

Ada Cheung, 217-2783 Dawson Street, Burnaby

Salem Cherkaoui, 2501-2133 Douglas Road, Burnaby

Morteza Esmaeili, 2202-2289 Yukon Crescent, Burnaby

The following speakers appeared before Council in support or opposition to the proposed bylaw amendment:

Terry MacDonald, 4863 Brentlawn Drive, Burnaby, expressed concerns regarding the rezoning application - specifically the proposed location of the elementary school, increased traffic and the impacts of transportation infrastructure (Dawson Street connector and Holdom Overpass).

Ryan Boyd, 4913 Dawson Street, Burnaby, expressed concerns with construction traffic, the proposed location of the elementary school and the potential loss of walkability and related safety risks to pedestrians and park users.

Judy Lakos, 2289 Yukon Crescent, Burnaby, requested clarification on the anticipated completion date of each phase. Ms. Lakos shared concerns about increase in traffic and parking challenges as a result of new residents and increased density.

Monica Daws, 4728 Dawson Street, Burnaby expressed safety concerns about Lougheed commuters potentially using Beta and Dawson as side routes as there are no sidewalks to keep pedestrians and cars separated. Ms. Daws asked Council if and when additional community amenities (community centre) would be developed.

Salem Cherkaoui, 2501-2133 Douglas Road, Burnaby expressed concerns with increased traffic and a lack of public parking. Mr. Cherkaoui also shared concerns about loss of existing views for current residents in the area.

Paul Brittan, 2289 Yukon Crescent, Burnaby expressed concerns about the effectiveness of traffic calming methods to be used by the school and park location. Mr. Brittan encouraged Council to consider creative design features to decrease vehicle speed.

Stephen Soriano, 4888 Brentwood Drive, Burnaby, expressed concerns with construction traffic as other sites in the area are being developed simultaneously.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

THAT this Public Hearing for Rez. #13-20, Bylaw #13489 be terminated.

CARRIED UNANIMOUSLY