



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2016 April 20

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #12-18**
AMENDMENT BYLAW NO. 16, 2014; BYLAW #13345
Riverbend Business Park Conceptual Development Plan
Big Bend Development Plan
Third Reading

ADDRESS: 8255/8360 Wiggins Street and 5279 Riverbend Drive (see *attached* Sketches #1 and #2)

LEGAL: Lot 48 Except: Firstly: Parcel "A" (Bylaw Plan 70015); Secondly: Part Subdivided by Plan 72187; DL 167, Group 1, NWD Plan 48061; Lot 49, DL 167, Group 1, NWD Plan 48061; Lot 1, DL 167, Group 1, NWD Plan 18016

FROM: CD Comprehensive Development District (based on M2 General Industrial District, M3 Heavy Industrial District and M5 Light Industrial District)

TO: Amended CD Comprehensive Development District (based on M2 General Industrial District, M3 Heavy Industrial District and M5 Light Industrial District, C2 Community Commercial District and Big Bend Development Plan guidelines, and in accordance with the development plan entitled "Riverbend Business Park Conceptual Development Plan" prepared by Christopher Bozyk Architects Ltd. and PFS Studio)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2014 May 05;
- b) Public Hearing held on 2014 May 27; and,
- c) Second Reading given on 2014 June 23.

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 removal of all existing improvements from the site prior to Final Adoption of the

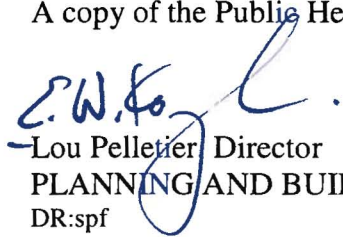
Bylaw. Demolition of any improvements will be permitted after Second Reading of the Rezoning Bylaw has been granted, provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, 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.

- *The applicant has agreed to this prerequisite in a letter dated 2016 April 20.*
- c) The consolidation/subdivision of the net project site.
- *The requisite subdivision plan has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- d) 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.*
- e) The granting of any necessary statutory rights-of-way, easements and/or covenants including:
- a Section 219 Covenant for the retention of identifying existing trees within the riparian setback areas;
 - Section 219 Covenant and Statutory Right-of-Way for the protection and ongoing maintenance of the Fraser River Foreshore and Sturgeon Slough streamside protection and enhancement areas (SPEA);
 - Section 219 Covenant respecting floodproofing requirements;
 - Section 219 Covenant respecting the submitted geotechnical report;
 - Section 219 Covenant restricting development (no build) until a Certificate of Compliance is issued by the Ministry of Environment, by phase of development;
 - Section 219 Covenant restricting all development (no build) until servicing has been achieved and the individual site specific rezoning has been granted Final Adoption;
 - Statutory Rights-of-Way guaranteeing vehicular access across private driveways;
 - Statutory Rights-of-Way guaranteeing pedestrian and cycling access across on-site pathways;
 - Easement guaranteeing reciprocal access for vehicles across property lines; and,
 - Section 219 Covenant restricting uses to those permitted within the Conceptual Development Plan.

- *The applicant has agreed to this prerequisite in a letter dated 2016 April 20 and the required covenants, easements and statutory rights-of-way have been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- f) The submission of a suitable conceptual on-site stormwater management system to the approval of the Director Engineering, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation, with detailed storm water management plans to be required as part of individual site specific rezoning applications.
 - *The applicant has agreed to this prerequisite in a letter dated 2016 April 20. 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.*
- g) The approval of a master servicing concept for the site by the Director Engineering.
 - *The applicant has submitted engineering design drawings, and has agreed to this prerequisite in a letter dated 2016 April 20.*
- h) The pursuance of design guidelines, including a conceptual comprehensive sign plan for the site in accordance with Section 3.7 of this report.
 - *A virtually complete set of guidelines has been submitted. A few remaining details will be resolved prior to Final Adoption.*
- i) 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.*

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 2016 April 25, 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
DR:spf
Attachment

**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 16, 2014 - BYLAW NO. 13345**

Rez. #12-18

8255/8360 Wiggins Street and 5279 Riverbend Drive

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The purpose of the proposed zoning bylaw amendment is to establish a Conceptual Development Plan for the subject site, which would guide further individual site specific rezoning applications for the development of a multi-phased industrial business park and riverfront amenity area. No specific development or new construction is being sought under the subject rezoning application.

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2014 May 27 was received from Peter and Donna Harco, owners of Wigg Holdings Ltd., 8355 Wiggins Street, Burnaby expressing general agreement with the overall concept plan for a large and high-class industrial/business development. The writers, however, noted their concern regarding the existing waste landfill at the southerly end of the Wiggins Street right-of-way. They requested this landfill be cleaned up as part of the overall development of the area. Regarding the clean-up cost, the writers noted the following points:

- The City of Burnaby should pay the total cost of this remediation.
- Perhaps there is potential for cost recovery from the former roofing factory owner who operated there until 1990.
- It would be unfair to assess any remediation costs to the current adjoining property owners since none of them had any part in the landfilling and were not owners of their sites during the time the dumping took place.

A letter dated 2014 May 27 was received from Scott Burns, Chief Executive Officer, Tricycle Lane Group of Companies, 200-155 Glendeer Circle SE, Calgary AB, co-owner of 5324 Riverbend Drive, Burnaby expressing concern the rezoning application will negatively impact the operations of Burnco Rock Products Ltd. in the City of Burnaby in the short, medium, and long term. The writer requested to meet with the City to work with the Planning and other departments to address these concerns, as well as to identify and address opportunities prior to further decisions being made regarding the proposed amendment. This includes:

- Reaffirming the City of Burnaby's support for Burnco;
- Receiving greater clarity from the City regarding the regulatory impact of the proposed amendment on 5324 Riverbend Drive;
- Receiving additional time to review the proposed amendment to understand its full implications;

- Clarifying the full extent of the use of 5324 Riverbend Drive;
- Addressing the numerous direct and indirect impacts of the proposed amendment on his site and operations and how these impacts will be mitigated; this includes the impacts of both the:
 - Rezoning of the subject area;
 - The direction established in the broader Conceptual Development Plan;
 - Identifying opportunities assuring co-existence of continuing uses at 5324 Riverbend Drive with the new vision concepts; and
- Establishing a means of communication with the City to ensure his company is informed in a more timely fashion in the future.

An undated letter was received from Donna O'Neill and Pierre Rubben, 6742 Empress Avenue, Burnaby expressing general support for the proposed rezoning and development plan. The writers noted, however, the current proposal indicates the surface finishing on the top of the dike/the dike path would be crushed granite. They requested the plan be amended to finish the dike surface with asphalt. The writers noted the reason for proposing this amendment is to provide accessibility to the dike for more citizens than would be the case with a crushed granite surface.

Donna O'Neill, 6742 Empress Avenue, Burnaby appeared before Council to re-iterate the request in her previously noted letter for the surface of the dike to be paved.

In response to the speaker's request, the Director Planning and Building noted the proposed crush granite finish atop the dike resulted from discussions with the Department of Fisheries and Oceans ten to fifteen years ago. The Director Planning and Building also noted there may be an opportunity to revisit this matter in the future.

Allan St. Pierre, 20657 91B Avenue, Langley, appeared before Council to read out the previously noted letter dated 2014 May 27 from Peter and Donna Harco.

Scott Burns, Chief Executive Officer, Tricycle Lane Group of Companies, 200-155 Glendeer Circle SE, Calgary AB, accompanied by Andrew Baigent, Urban Systems, 550-1090 Homer Street, Vancouver, appeared before Council to re-iterate the concerns contained in Mr. Burns's previously noted letter dated 2014 May 27. The speakers also noted the importance of addressing environmental contamination issues associated with the existing Wiggins Street landfill as mentioned in the previously noted letter from Peter and Donna Harco.

There were no further submissions received regarding Rezoning #12-18, Bylaw No. 13345.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR KANG:

“THAT this Public Hearing for Rez. #12-18, Bylaw No. 13345 be terminated.”

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR KANG:

“THAT staff prepare a report in response to the issues raised at the Public Hearing for Rez. #12-18, Bylaw No. 13345.”

CARRIED UNANIMOUSLY