



## INTER-OFFICE COMMUNICATION

**TO:** CITY CLERK 2016 June 22

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** REZONING REFERENCE #15-05  
AMENDMENT BYLAW NO. 26/15; BYLAW #13499  
Residential Tower III  
Third Reading

**ADDRESS:** Ptn. 4567 Lougheed Highway

**LEGAL:** Lot 1, DL's 123 and 124, Group 1, NWD Plan EPP31990- Except Plan EPP40171

**FROM:** CD Comprehensive Development District (based on the C3 and C3a General Commercial Districts, P2 Administration and Assembly District, RM4s and RM5s Multiple Family Residential Districts)

**TO:** Amended CD Comprehensive Development District (based on the C3 General Commercial District, RM4s and RM5s Multiple Family Residential Districts and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Residential Tower 3" prepared by Stantec Inc.)

---

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2015 July 20;
- b) Public Hearing held on 2015 August 25; and,
- c) Second Reading given on 2015 September 14.

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 2016 May 24 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 2016 May 24.*
- d. The utilization of an amenity bonus through the provision of a \$11,987,600 cash in-lieu contribution in accordance with Section 3.5 of this report.
  - *The applicant has agreed to this prerequisite in a letter dated 2016 May 24, and will deposit the necessary funds prior to Final Adoption.*
- e. The granting of any necessary Covenants, including but not necessarily limited to, Section 219 Covenants:
  - restricting enclosure of balconies;
  - indicating that project surface driveway access will not be restricted by gates;
  - guaranteeing the provision and maintenance of public art;
  - providing for future air space parcels covering both the commercial and residential components to ensure that the density of development of air space parcels and strata lots comply with the approved CD zoning for the site and to ensure that the overall site continues to function as an integrated development;
  - 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 compliance with the approved acoustic study;
  - ensuring the provision and ongoing maintenance of EV cars and EV plug-in stations;
  - ensuring the provision and ongoing maintenance of end-of-trip facilities; and,
  - restricting the use of guest rooms.
  - *The applicant has agreed to this prerequisite in a letter dated 2016 May 24, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- f. The granting of any necessary easements and statutory rights-of-way.

- *The applicant has agreed to this prerequisite in a letter dated 2016 May 24, and the requisite statutory rights-of-way, easements and/or covenants will be deposited in the Land Title Office prior to Final Adoption.*
- g. Completion of the necessary subdivision.
  - *The requisite subdivision plan has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- h. Compliance with the guidelines for underground parking for visitors and commercial patrons.
  - *The applicant has agreed to this prerequisite in a letter dated 2016 May 24, and the necessary provisions are indicated on the development plans.*
- i. The provision of facilities for cyclists in accordance with this report.
  - *The applicant has agreed to this prerequisite in a letter dated 2016 May 24, and the necessary provisions are indicated on the development plans.*
- j. The design and provision of units adaptable to persons with disabilities with allocated disabled parking spaces.
  - *The applicant has agreed to this prerequisite in a letter dated 2016 May 24, and the necessary provisions are indicated on the development plans.*
- k. The review of a detailed Sediment Control System by the Director Engineering.
  - *The applicant has agreed to this prerequisite in a letter dated 2016 May 24. A detailed Sediment Control System plan has been submitted to the Engineering Department – Environmental Services for approval prior to Final Adoption.*
- 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 219 Covenant to guarantee its provision and continuing operation.
  - *The applicant has agreed to this prerequisite in a letter dated 2016 May 24. A suitable on-site stormwater management system has been submitted 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.*
- m. 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.*
- n. The provision of a covered car wash stall 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 necessary provisions are indicated on the development plans and the applicant has submitted a letter of undertaking dated 2016 May 24 committing to implement the recycling provisions.*
- o. 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 2016 May 24. A detailed Solid Waste and Recycling Plan has been approved by the Engineering Department – Environmental Services Division.*
- p. The review of on-site residential and commercial loading facilities by the Director Engineering.
  - *The applicant has agreed to this prerequisite in a letter dated 2016 May 24, and the necessary provisions are indicated on the development plans.*
- q. The submission of a comprehensive sign plan.
  - *The applicant has agreed to this prerequisite in a letter dated 2016 May 24.*
- r. The deposit of the applicable Parkland Acquisition Charge.
  - *The applicant has agreed in a letter dated 2016 May 24 to make the necessary deposits prior to Final Adoption.*
- s. The deposit of the applicable GVS & DD Sewerage Charge.
  - *The applicant has agreed in a letter dated 2016 May 24 to make the necessary deposits prior to Final Adoption.*
- t. The deposit of the applicable School Site Acquisition Charge.
  - *The applicant has agreed in a letter dated 2016 May 24 to make the necessary deposits prior to Final Adoption.*

u. 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 2016 May 24 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 2016 June 27, 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

**BURNABY ZONING BYLAW 1965,  
AMENDMENT BYLAW NO. 26, 2015 – BYLAW NO. 13499**

Rez. #15-05

Ptn. 4567 Lougheed Highway

From: CD Comprehensive Development District (based on the C3 and C3a General Commercial Districts, P2 Administration and Assembly District, RM4s and RM5s Multiple Family Residential Districts)

To: Amended CD Comprehensive Development District (based on the C3 General Commercial District, RM4s and RM5s Multiple Family Residential Districts and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Residential Tower 3" prepared by Stantec Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 51 storey high-rise residential building atop a 4 level commercial podium.

The Advisory Planning Commission advised it supports the rezoning application.

Twenty (20) letters were received in response to the proposed bylaw amendment.

**IN SUPPORT:**

Dan Mott, #100-4599 Tillicum Street, Burnaby  
Sean F. Rodrigues, 4811 Highlawn Drive, Burnaby  
Leela Wong, 1371 Aldrin Place, Burnaby  
Douglas Suddaby, 5525 Dorset Street, Burnaby  
Stephen Yuen, #26 - 3855 Pender Street, Burnaby  
Lily Vong, 7470 Boundary Road, Burnaby  
Joe Buccella, 7167B Gilley Avenue, Burnaby  
Mike Moscone, 4025 East 1<sup>st</sup> Avenue, Burnaby  
Willa Cheng, 120 North Stratford Avenue, Burnaby  
Jeanne Mackay, 3709 1<sup>st</sup> Avenue, Burnaby  
Tom Bresciani, #405 – 3255 Smith Avenue, Burnaby  
Selena Marzin, Address not available.  
Roy Gaspar, 7034 Belcarra Drive, Burnaby  
Mike Kask, 5324 Riverbend Drive, Burnaby  
Chris Seto, 7488 4<sup>th</sup> Street, Burnaby  
Ted Grippo, 4026 1<sup>st</sup> Avenue, Burnaby  
Conna Wong, 4463 William Street, Burnaby  
Mary Drpic, #903-3920 Hasting Street, Burnaby  
Jim Laurence, 4405 Canada Way, Burnaby  
Dan Mott, #100-4599 Tillicum Street, Burnaby

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

Keith Quan, 4126 Frances Street, Burnaby spoke in support of the proposed rezoning, so his children have access to local housing options.

James Spagnolo, 7959 Government Road, Burnaby spoke in support of the proposed rezoning, as it offers an affordable housing option and supports the local economy.

Terry McDonald, 4863 Brentlawn Drive, Burnaby spoke in opposition to the proposed rezoning, recommending that City of Burnaby slow down development so as to gain a better idea about the impact of such high density development on the surrounding neighbourhood. Mr. McDonald was specifically concerned about the developments impact on traffic and parking patterns/habits.

Sean Rodrigues, 4811 Highlawn Drive, Burnaby spoke in support of the rezoning application. However, he challenges the City of Burnaby to do better, by considering: the development of a city utility and imposing LEED development standards on new builds. Mr. Rodrigues shared also his concerns about the capacity of the local fire and medical services to address the needs of the building and increase in population.

David Fairey, 4778 Fernglen Place, Burnaby spoke in opposition to the rezoning application. Mr. Fairey shared concerns including: lack of family accommodation, public safety related to a fire event, view obstruction, traffic and congestion at the intersection of Willingdon and Lougheed, and a lack of safe cycling infrastructure.

Joyce Rushton, 4880 Highlawn Drive, Burnaby shared concerns to the proposed rezoning including: pedestrian/transit user safety in the area, pedestrian safety at the Lougheed Highway north/south crossing and decreased air quality in the neighbourhood.

MOVED BY COUNCILLOR D. JOHNSTON  
SECONDED BY COUNCILLOR N. VOLKOW

THAT this Public Hearing for Rez. #15-05, Bylaw #13499 be terminated.

CARRIED UNANIMOUSLY