



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2018 February 21

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-53**
BYLAW #13828; AMENDMENT BYLAW NO. 43/17
High-Rise Apartment (Tower 4) in the Lougheed Town Centre Phase I Site
Lougheed Town Centre Plan
Third Reading

ADDRESS: Portion of 9855 Austin Road

LEGAL: Lot 79, DL 4, Group 1, NWD Plan 36145 Except Plans BCP5531 and EPP10716

FROM: CD Comprehensive Development District (based on Lougheed Town Centre Core Area Master Plan and Lougheed Town Centre Plan as guidelines)

TO: Amended CD Comprehensive Development District (based on C3 General Commercial District, RM5s Multiple Family Residential District, Lougheed Core Area Master Plan, and Lougheed Town Centre Plan as guidelines, and in accordance with the development plan entitled "Lougheed Town Centre – Phase 1 Tower 4" prepared by GBL Architects Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2017 December 11;
- b) Public Hearing held on 2018 January 30; and,
- c) Second Reading given on 2018 February 05.

The prerequisite conditions have been partially satisfied as follows:

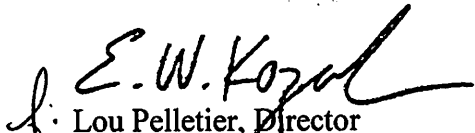
- a) The submission of a suitable plan of development.
 - *A virtually complete suitable plan of development has been submitted. A few remaining details will be resolved prior to Final Adoption.*
- b) The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 4.5 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 January 05, and will deposit \$6,639,171.84 prior to Final Adoption.*

- c) The granting of Section 219 Covenants in accordance with the subject rezoning and Rezoning Reference #15-28:
- restricting enclosure of balconies;
 - ensuring compliance with the approved acoustical study; and,
 - restricting subdivision by strata plan unless and until a Section 219 covenant is registered on title to all the Tower 4 strata lots to prohibit the separate sale of the Tower 4 strata lots subject to the satisfaction of the following conditions:
 - a minimum of five years has elapsed since the issuance of occupancy for Tower 4, so as to ensure the tenure of the building remains rental for at least five years;
 - a parking ratio of 1.1 stalls per unit is provided for Tower 4, and/or such other applicable parking requirements under the City's Zoning Bylaw, to the satisfaction of the City;
 - the required parking is provided within a secure parking facility for residential use only and functions as a single integrated site, with easements or other agreements as necessary to secure the use and access of the required parking stalls;
 - received final adoption of a rezoning bylaw to amend the comprehensive development plan for Tower 4 based on the design and parking changes proposed and to review a tenant assistance plan;
 - received all other applicable City permits and approvals required in connection with the satisfaction of these conditions, including any required preliminary plan approval and building permit applications; and,
 - ensuring that the density of development of air space parcels and strata lots complies with the approved CD zoning and density allocation covenant for the site and to ensure that the overall site continues to function as a single, integrated development.
- *The applicant has agreed to this prerequisite in a letter dated 2018 January 05, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- d) 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.
- *The applicant has agreed to this prerequisite in a letter dated 2018 February 16, and the necessary provisions are indicated on the development plans.*

- e) Compliance with the Council-adopted sound criteria.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 January 05. An acoustic study has been approved by the Engineering Department – Environmental Services.*
- f) The submission of a suitable district energy pre-feasibility study to the approval of the Director Planning and Building.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 January 05. A district energy pre-feasibility study has been approved by the Planning Department.*
- g) The submission of a sustainability report detailing the initiatives for Tower 4 to contribute towards the environmental commitment of LEED ND Gold for the entire Phase 1 Development.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 January 05. A sustainability report has been approved by the Planning Department.*
- h) 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 2018 January 05. A detailed Solid Waste and Recycling Plan has been submitted to the Engineering Department – Environmental Services and will be approved prior to Final Adoption.*
- i) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2018 January 05 to make the necessary deposits prior to Final Adoption.*
- j) The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2018 January 05 to make the necessary deposits prior to Final Adoption.*
- k) The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2018 January 05 to make the necessary deposits prior to Final Adoption.*
- l) The completion of Rezoning Reference #15-28 and #15-29.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 January 05.*

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 2018 February 26, 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

JD:eb
Attachment

cc: City Manager

Burnaby Zoning Bylaw 1965,
Amendment Bylaw No. 43, 2017 - Bylaw No. 13828

Rez . #16-53

Portion of 9855 Austin Road

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To: Amended CD Comprehensive Development District (based on C3 General Commercial District, RM5s Multiple Family Residential District, Lougheed Core Area Master Plan, and Lougheed Town Centre Plan as guidelines, and in accordance with the development plan entitled “Lougheed Town Centre – Phase 1 Tower 4” prepared by GBL Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of the last of four residential towers on the Lougheed Core Area Phase 1 site, which incorporates a commercial space on the ground floor, within the Lougheed Town Centre Core area.

No letters were received in response to the proposed rezoning application.

No speakers appeared before Council in support or opposition to the proposed zoning bylaw amendment.

MOVED BY COUNCILLOR JOHNSTON
SECONDED BY COUNCILLOR MCDONELL

THAT this Public Hearing for Rez. #16-53, Bylaw #13828 be terminated.

CARRIED UNANIMOUSLY