



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2018 July 18

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-35**
BYLAW #13854, AMENDMENT BYLAW NO. 05/18
High Rise Apartment Tower with Street Fronting Townhouses
Brentwood Town Centre Development Plan
Third Reading

ADDRESS: 5180 Lougheed Highway

LEGAL: Lot 4, DL 125, Group 1, NWD Plan 3674

FROM: M2 General Industrial District

TO: CD Comprehensive Development District (based on RM5s Multiple Family Residential District and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "5180 Lougheed Highway" prepared by Raffi Architects Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2018 March 12,
- b) Public Hearing held on 2018 March 27; and,
- c) Second Reading given on 2018 May 28.

The prerequisite conditions have been partially satisfied as follows:

- a. The submission of a suitable plan of development.
 - *The applicant has submitted a virtually complete suitable plan of development. 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 2018 July 16 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 2018 July 16.*
- d. The submission of an undertaking to remove all improvements prior to Final Adoption of the Bylaw, but not prior to Third Reading 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. If requested, demolition may be delayed to more closely coincide with approval of building permits.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 July 16.*
- e. The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 3.6 of this report.
 - *The applicant has agreed to the provision of a \$14,921,905.35 (subject to detailed survey) cash in-lieu contribution, in accordance with the terms and conditions approved by Council.*
- f. The completion of the Road Closure Bylaw.
 - *The Road Closure Plans have received Third Reading by Council. Final approval of the Road Closure and deposit of the Bylaw plans in the Land Title Office will be advanced prior to Final Adoption.*
- g. The completion of the sale of City property.
 - *Council has approved the sale and purchase price of City property to be acquired by the applicant. The sale will be completed prior to Final Adoption.*
- h. The dedication of any rights-of-way deemed requisite .
 - *The requisite subdivision plan dedicating rights-of-way has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*

- i. The consolidation of the net site into one legal parcel.
 - *The requisite subdivision plan of consolidation has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*

- j. The granting of any necessary Easements, Covenants, and Statutory Rights-of-Way including, but not necessarily limited to:
 - restricting enclosure of balconies;
 - indicating that project surface driveway access will not be restricted by gates;
 - guaranteeing the provision and maintenance of public art;
 - ensuring that handicap accessible parking stalls be held in common property to be administered by the Strata Corporation;
 - ensuring compliance with the approved acoustic study;
 - guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - ensuring that the site can be used safely in accordance with the approved geotechnical study;
 - ensuring that the water table will not be drawn down during and after development;
 - ensuring the achievement of a green building design with a Leadership in Energy and Environmental Design (LEED) Silver rating (mid-rise) or equivalent;
 - ensuring the provision and ongoing maintenance of EV plug-in stations;
 - ensuring the provision and ongoing maintenance of car share vehicles;
 - restricting the use of guest rooms;

 - Statutory right-of-way granting public access to the parkway, sidewalk, cycle track, seating, feature art, and plaza under the Millennium Line Guideway, and;

 - Extension of the statutory right-of-way for the Millennium Line Guideway over a portion of the closed road on Springer Avenue at Lougheed Highway;

- *The applicant has agreed to this prerequisite in a letter dated 2018 July 16, and the requisite Easements, Covenants and Statutory Rights-of-way will be deposited in the Land Title Office prior to Final Adoption.*

- k. The execution of an indemnity agreement by the developer saving the City harmless from all liability associated with this development in relation to its geotechnical and hydrological (including any potential contaminated groundwater) impacts to surrounding infrastructure and other nearby development.
- *The applicant has agreed to this prerequisite in a letter dated 2018 July 16.*
- l. 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 submitted a letter dated 2018 July 16 agreeing to meet this prerequisite, this provision is indicated on the development plans and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- m. The undergrounding of existing overhead wiring abutting the site.
- *The applicant has agreed to this prerequisite in a letter dated 2018 July 16.*
- n. Compliance with the Council-adopted sound criteria.
- *An acoustic study has been submitted for review by the Engineering Environmental Services Division. Agreement by the applicant to comply with the Council-adopted sound criteria and an acceptable acoustic study will be achieved prior to Final Adoption.*
- o. 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.*
- p. 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 dated 2018 July 16 agreeing to meet this prerequisite.*
- q. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.

- *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2018 July 16 agreeing to meet this prerequisite.*
- r. The review of on-site residential loading facilities by the Director Engineering.
- *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2018 July 16 agreeing to meet this prerequisite.*
- s. The provision of facilities for cyclists in accordance with this report.
- *The applicant has submitted a letter dated 2018 July 16 agreeing to meet this prerequisite.*
- t. The review of a detailed Sediment Control System by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2018 July 16.*
- u. Compliance with the guidelines for underground parking for visitors.
- *The applicant has agreed to this prerequisite in a letter dated 2018 July 16.*
- v. 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 2018 July 16. 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.*
- w. The deposit of the applicable Parkland Acquisition Charge.
- *The applicant has agreed in a letter dated 2018 July 16 to make the necessary deposits prior to Final Adoption.*
- x. The deposit of the applicable GVS & DD Sewerage Charge.
- *The applicant has agreed in a letter dated 2018 July 16 to make the necessary deposits prior to Final Adoption.*

- y. The deposit of the applicable School Site Acquisition Charge.
- *The applicant has agreed in a letter dated 2018 July 16 to make the necessary deposits prior to Final Adoption.*
- z. 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 agreed to this prerequisite in a letter dated 2017 November 05 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 2018 July 23, 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

IW:tn
Attachment

cc: City Manager

**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 13854 - BYLAW NO. 05/18**

Rez. #16-35

5180 Lougheed Highway

From: M2 General Industrial District

To: CD Comprehensive Development District (based on RM5s Multiple Family Residential District and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "5180 Lougheed Highway" prepared by Raffi Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 46 storey high-rise residential building with three storey, street fronting townhouses.

Eleven letters were received in response to the proposed rezoning application:

1. Sepi Esgahani, Express Mortgage Solutions, #320-638 Broughton Street, Vancouver
2. Shahin Nathwani & Karim Lakha, #2802-2232 Douglas Road, Burnaby
3. Daisy Wong, 2024 Springer Avenue, Burnaby
4. Laura Canning, #2002-2232 Douglas Road, Burnaby
5. Linnan Fu & Qingzi Li, #306-2200 Douglas Road, Burnaby
6. Uma Dayal, #2404-2232 Douglas Road, Burnaby
7. Rain Leung, #1206-2200 Douglas Road, Burnaby
8. Sherman Wong, #1702-2200 Douglas Road, Burnaby
9. Julia Pop, Property Manager, Pacific Quorum Properties, Inc., 1777 West 75th Avenue, Vancouver
10. Daniel Deo, #2305-2232 Douglas Road, Burnaby
11. Keri Povall & Ron Uken, #704-2020 Bellwood Avenue, Burnaby

The following speakers appeared before Council and spoke to the proposed rezoning application:

Stacey Boyer, #2301-2200 Douglas Road, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Ms. Boyer expressed concerns with shading of her building, the impacts of development on residents and community members enjoyment of the area, decrease in existing property value, as well as the negative visual impact of the highrise on the neighbourhood and skyline.

Ellen Sin, #1604-2232 Douglas Road, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Sin expressed concerns with loss of existing views, construction noise, and the effect of the construction on adjacent property values, as well as the inconvenience caused by construction activities to existing residents.

Keri Povall, #704-2020 Bellwood Street, Burnaby, appeared before Council and expressed concerns with the height of the building, impact of shadowing on adjacent residential buildings and a swimming pool, and loss of existing views.

Foyad Rafii, Rafii Architects Inc., #1-1600 Howe Street, Vancouver, appeared before Council and responded to concerns raised by previous speakers. Mr. Rafii noted that high density for this area is outlined in the City's Official Community Plan and if the building was lower, it would be wider, shadowing and blocking a greater number of buildings. It was noted that the building will be slender, and there will not shadow the adjacent building/swimming pool during the summer months.

Terry McKay, 2200 Douglas Road, Burnaby, appeared before Council and expressed concerns with traffic resulting from increased densification throughout Burnaby. Ms. McKay inquired about the City's plans to address traffic increases in the area as a result of increased population resulting from development and population densification.

Jacek Maciejewski, Vice President of Strata Plan NW806 – Springdale Manor, 2090 Springer Avenue, Burnaby, appeared before Council and stated concerns with the proposed rezoning application. Mr. Maciejewski represents the 27 owners of the Strata NW806. Mr. Maciejewski expressed concerns with potential damages to the Strata property resulting from the construction of the highrise building. 2090 Springer Avenue is built on soft ground next to Beecher Creek and is only 30 meters from the proposed building. The speaker requested Council approve this rezoning only under the following conditions:

- the developer, under the supervision of the City, hire an independent engineering firm to conduct a pre-development assessment of the impact of the proposed construction on the Strata units located at 2004-2090 Springer Avenue, at the developer cost; and the report be presented to the Strata;
- that an independent engineering firm monitor and mitigate any impacts to Strata units during construction and stop development activities if any damages appear, and assess and remediate the damage and cover the cost of remediation efforts and repairs to the satisfaction of the Strata unit owners;
- that an independent engineering firm conduct a post development assessment and provide a report of damages, repair and recommendations, and an estimated price for the required rework of damages to Strata, at the developer cost.

Julia Pop, Property Manager of 2090 Springer Avenue, Pacific Quorum Properties Inc., 1777 West 75th Avenue, Vancouver, appeared before Council and noted that Beecher Creek is protected as it is salmon bearing, and expressed concerns with the four levels of underground parking and the impact of the construction on the neighbouring Strata units.

Rhea Stewart, #1704-3222 Douglas Road, Burnaby, appeared before Council expressing concern with the traffic increases in what he believes is an already congested area. The speaker inquired about the City's future plans to address traffic congestion issue.

Made Hassam, 2084 Springer Avenue, Burnaby, appeared before Council and requested that community services including recreation be added to the community prior to developing additional units. Mr. Hassam inquired about the City's plan to add amenities to the community and anticipated timelines for their development.

MOVED BY COUNCILLOR JOHNSTON
SECONDED BY COUNCILLOR MCDONELL

THAT this Public Hearing for Rez. #16-35, Bylaw #13854 be terminated.

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JOHNSTON
SECONDED BY COUNCILLOR CALENDINO

THAT staff report back to Council on the issues raised by the delegations at the Public Hearing for Rezoning Reference #16-35 prior to second reading of the bylaw; and

THAT a copy of the report be forwarded to the individuals that spoke at the Public Hearing.

CARRIED UNANIMOUSLY