



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2020 April 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #17-33**
AMENDMENT BYLAW NO. 48/18; BYLAW #13972
Woodlands (Concord Brentwood) Phase 2
Third Reading

ADDRESS: Ptn. 4848 Lougheed Highway, 4827, 4829, Ptn. 4828 Dawson Street, 2235, 2285, Ptn. 2311 Delta Avenue, and Ptn. 2316 Beta Avenue

LEGAL: See Schedule A (*attached*)

FROM: CD Comprehensive Development District (based on RM4s and RM5s Multiple Family District) and P3 Park and Public Use District

TO: Amended CD Comprehensive Development District (based on RM4s and RM5s Multiple Family Residential District, C2 Neighbourhood Commercial District and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Concord Brentwood Phase 2" prepared by Franci Architecture) and P3 Park and Public Use District

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2018 December 10;
- b) Public Hearing held on 2019 January 29; and,
- c) Second Reading given on 2019 February 11.

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 2020 April 15 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 (as well as underground switching and transformer/service boxes in town centre locations), 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 2020 April 15.*
- d. The submission of an undertaking to remove all improvements on 2316 Beta Avenue prior to occupancy.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 April 15.*
- e. The utilization of an amenity bonus through the provision of a cash-in-lieu contribution in accordance with Section 3.3 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 April 15, the applicant will deposit the funds prior to issuance of Preliminary Plan Approval. A Section 219 Covenant to guarantee this provision, including restricting the sale of the Phase 2 Site, restricting marketing the proposed development, and restricting issuance of a building permit for the proposed development, will be deposited in the Land Title Office prior to Final Adoption.*
- f. The completion of the sale of City property.
 - *Council has approved the conditions of sale/transfer of City property to be acquired by the applicant. The sale/transfer will be completed 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 consolidation and re-subdivision of the net site into two legal lots.
 - *The requisite subdivision plan has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- i. The granting of any necessary Covenants, including but not necessary limited to:
 - restricting enclosure of balconies;
 - guaranteeing the provision and maintenance of public art;

- ensuring 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 a single, integrated development;
 - guaranteeing the provision and continue operation of stormwater management facilities;
 - ensuring compliance with the approved acoustic study;
 - restricting commercial/retail uses on Dawson Street and Yukon Crescent from having obscured fenestration;
 - for the provision and ongoing maintenance of the Stickleback Creek Streamside Protection and Enhancement Area (SPEA);
 - 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 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; and,
 - guaranteeing the provision and maintenance of identified public greenways.
- *The applicant has agreed to this prerequisite in a letter dated 2020 April 15, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- j. The granting of any necessary easements and statutory rights-of-way, including but not necessary limited to easements and statutory rights-of-way:
- guaranteeing access to public open spaces fronting the development on Dawson Street and Yukon Crescent;
 - guaranteeing access to public greenways; and,
 - guaranteeing access to common amenities (super club).
- *The applicant has agreed to this prerequisite in a letter dated 2020 April 15, and the requisite easements 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 (including the BNSF/CN Railway), and other nearby development.

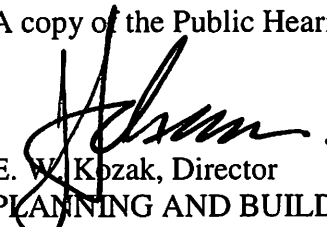
- *The applicant has agreed to this prerequisite in a letter dated 2020 April 15, and the requisite indemnity agreement for geotechnical and hydrological impacts will be executed prior to Final Adoption. Issues related to site contamination will be addressed as part of the required site profile and resolution of arising requirements.*
- l. The design and provision of units adaptable to persons with disabilities with associated handicap parking spaces protected by a Section 219 Covenant.
- *The applicant has agreed to this prerequisite in a letter dated 2020 April 15, the necessary provisions have been indicated on the development plans, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- m. Compliance with the Council-adopted sound criteria.
- *An acoustic study has been submitted for review by the Engineering Department – Environmental Services Division, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- n. Submission of a Site Profile and resolution of any arising requirements.
- *The applicant has submitted the required Site Profile for the development site and has committed to obtaining a Certificate of Compliance from the Ministry of Environment prior to release of any Occupancy Permits. The required Covenant governing this arrangement has been deposited in the Land Title Office.*
- o. The provision of covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space and commitment to implementing the recycling provisions.
- *The necessary provision are indicated on the development plans and the applicant has submitted a letter dated 2020 April 15 committing to implement the recycling provisions.*
- p. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- *The necessary provision are indicated on the development plans and the applicant has submitted a letter dated 2020 April 15 committing to implement the recycling provisions.*
- q. The review of on-site commercial and residential loading facilities by the Director Engineering.

- *The applicant has agreed to this prerequisite in a letter dated 2020 April 15 and the necessary provisions are indicated on the development plans.*
- r. The provision of facilities for cyclists in accordance with this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 April 15, and the necessary provisions are indicated on the development plans.*
- s. The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 April 15.*
- t. Compliance with the guidelines for underground parking for visitors.
 - *The necessary provision are indicated on the development plans and the applicant has submitted a letter dated 2020 April 15 committing to implement the recycling provisions.*
- u. The submission of a detailed Comprehensive Sign Plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 April 15 and the required Comprehensive Sign Plan will be submitted prior to Final Adoption.*
- v. The submission of a detailed Public Art Plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 April 15 and the required Comprehensive Sign Plan will be submitted prior to Final Adoption.*
- w. 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 2020 April 15, and the requisite easements and statutory rights-of-way will be deposited in the Land Title Office prior to Final Adoption.*
- x. The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2020 April 15 to make the necessary deposits prior to Final Adoption.*

- y. The deposit of the applicable GVS & DD Sewerage Charge.
- *The applicant has agreed in a letter dated 2020 April 15 to make the necessary deposits prior to Final Adoption.*
- z. The deposit of the applicable School Site Acquisition Charge.
- *The applicant has agreed in a letter dated 2020 April 15 to make the necessary deposits prior to Final Adoption.*
- aa. 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 2020 April 15 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 2020 April 22, 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.


E. W. Kozak, Director
PLANNING AND BUILDING

JBS
Attachments

cc: City Manager

**PUBLIC HEARING MINUTES
HELD ON: 2019 January 29
REZ. REF. NO. 17-33
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**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 48, 2018 - BYLAW NO. 13972**

Rez. #17-33

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The purpose of the proposed zoning bylaw amendment is to permit the development of two high-rise residential buildings, one mid-rise residential building, low-rise residential podium, common amenities (super club), and street oriented retail uses atop, and fronting, underground and structured parking.

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Five (5) letters were received in response to the proposed rezoning application:

1. Lily Li, 1203-2289 Yukon Crescent, Burnaby
2. Paul Britton, 201-2289 Yukon Crescent, Burnaby
3. Roselene Dhaliwal, 7-3728 Thurston Street, Burnaby
4. Shane Chow, 7-3728 Thurston Street, Burnaby
5. Harman (Robbie) Dhaliwal, 202-4025 Norfolk Street, Burnaby

The following speaker appeared before Council in opposition to the proposed zoning bylaw amendment:

Joel Gibbs, 7777 12th Avenue, Burnaby, appeared before Council and expressed concerns with the number of parking stalls, and requested the number of stalls be decreased. The speaker believes that decreasing the number of parking stalls will encourage residents to access nearby rapid transit options.

**PUBLIC HEARING MINUTES
HELD ON: 2019 January 29
REZ. REF. NO. 17-33
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MOVED BY COUNCILLOR JORDAN
SECONDED BY COUNCILLOR MCDONELL

THAT this Public Hearing for Rez. #17-33, Bylaw #13972 be terminated.

CARRIED UNANIMOUSLY