

**TO:** MAYOR & COUNCILLORS  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **REZ #22-22 – PORTION OF 9855 AUSTIN ROAD – MIXED-USE COMMERCIAL/ RENTAL RESIDENTIAL DEVELOPMENT – PHASE 2 (TOWER 5) LOUGHEED CORE AREA MASTER PLAN – LOUGHEED TOWN CENTRE PLAN**  
**PURPOSE:** To seek Council authorization to forward REZ #22-22 to First and Second Reading at a future Council meeting.

**REFERENCES**

**Address:** Portion of 9855 Austin Road  
**Legal:** PID:003-237-028  
Portion of Lot 79 District Lot 4 Group 1 New Westminster District Plan 36145 Except Plans BCP5531, EPP10716 and EPP60170  
**Applicant:** Shape Properties Corp.  
2020 – 505 Burrard Street  
Vancouver, BC V7X 1M6  
**Current Zoning:** CD Comprehensive Development District (based on P2 Administration and Assembly District, C3 General Commercial District, RM5s Multiple Family Residential District and Lougheed Town Centre Plan as guidelines and the development plan entitled “Lougheed Core Area Master Plan” prepared by James K. M. Cheng Architects Inc.)  
**Proposed Zoning:** Amended CD Comprehensive Development District (based on C3 General Commercial District, RM5s Multiple Family Residential District, RM5r Multiple Family Residential District, Lougheed Core Area Master Plan, and Lougheed Town Centre Plan as guidelines, and in accordance with the development plan entitled “The City of Lougheed Town Centre Phase 2 (Tower 5)” prepared by Arcadis Architects (Canada) Inc.)

**RECOMMENDATION**

**THAT** a Rezoning Bylaw for REZ #22-22 be prepared and advanced to First and Second Reading at a future Council meeting;

**THAT** a Housing Agreement be authorized according to the terms outlined in Section 3.5 of the report titled “REZ 22-22 – Portion of 9855 Austin Road –

Mixed-Use Commercial/Rental Residential Development – Phase 2 (Tower 5) Lougheed Core Area Master Plan – Lougheed Town Centre Plan” dated December 16, 2024, and the City Solicitor be authorized to bring forward a Housing Agreement Bylaw for Final Adoption concurrently with Final Adoption of the Rezoning Bylaw for Rez 22-22; and

**THAT** the items listed in **Attachment 3** to the report be established as prerequisites to consideration of Final Adoption of the Rezoning Bylaw for REZ #22-22.

**EXECUTIVE SUMMARY**

A rezoning application has been received to advance Phase 2 Tower 5 of the Lougheed Core Area Master Plan (REZ #15-23), which is a mixed-use commercial/residential development with non-market and market rental residential, and a commercial podium. The development is comprised of a 43-storey apartment building, inclusive of a two-storey commercial retail podium. The purpose of this report is to provide Council with information on the proposal and to recommend that the Rezoning Bylaw be brought forward for First and Second Reading at a future date of Council.

**1.0 POLICY SECTION**

The proposed rezoning application is consistent with the following policies and plans adopted by Council:

- Corporate Strategic Plan (2022),
- Regional Context Statement (2013),
- Official Community Plan (1998),
- Economic Development Strategy (2007),
- Social Sustainability Strategy (2011),
- Environmental Sustainability Strategy (2016),
- Transportation Plan (2021),
- HOME: Housing and Homelessness Strategy (2021)
- Rental Use Zoning Policy (2020), and
- Lougheed Town Centre Plan (1997).

**2.0 BACKGROUND**

2.1 The subject development site is located on the north side of Austin Road, between North Road and Lougheed Highway, and is designated for high-density residential/commercial mixed-use within the Lougheed Town Centre Plan, and town centre uses in the Official Community Plan (see **Attachment 1** – Sketch #1 and Sketch #2). The subject site, approximately 9,208 m<sup>2</sup> in size (subject to legal survey), forms a portion of 9855 Austin Road, the remainder parcel. This portion of the remainder parcel is currently improved with surface parking that includes a pedestrian connection between the Lougheed Town Centre SkyTrain Station and City of Lougheed Shopping Centre.

- 2.2 On August 24, 2016, Council granted Final Adoption to REZ #15-23, which established the Lougheed Core Area Master Plan and associated Development Guidelines for phased mixed-use retail, office and multiple family redevelopment of the City of Lougheed (TCOL) site and select properties to the south in line with the adopted Lougheed Town Centre Plan. The Master Plan provides direction related to the general land use, form, massing, subdivision pattern, site servicing, development phasing, and distribution of applicable development densities in the Core Area. A density allocation covenant is registered on the lands comprising the eight development phases in order to govern the overall site density, and will be amended as each phase is rezoned pursuant to a site-specific rezoning application.
- 2.3 On July 23, 2018, Council granted Final Adoption for Phase 1 of the Lougheed Core Area Master Plan, comprised of four residential towers (REZ #15-29, REZ #16-51, REZ #16-52 and REZ #16-53) atop a retail/office commercial podium (REZ #15-28).
- 2.4 In February 2018, Shape Properties sold a portion of their holdings, identified as the Austin-Gatineau site, located at 3900 Grand Promenade, 9850 Austin Road, and 9858/9898 Gatineau Place, to Pinnacle International. In connection with the land sale, an amended density allocation covenant was registered to allocate 176,515.8 m<sup>2</sup> of residential density to the Austin-Gatineau site to facilitate a high-density mixed-use development (REZ #18-32).
- 2.5 Following the adoption of the Lougheed Core Area Master Plan and registration of the master density allocation covenant, Council adopted the Rental Use Zoning Policy to support the construction of new and replacement non-market rental units in the City. In accordance with the Policy, the subject rezoning application is required to comply with Stream 2 – Inclusionary Rental requirements, and is eligible, subject to Council approval, to provide voluntary rental housing utilizing commercial density under Stream 3 of the Policy. To support the provision of non-market rental housing both the subject development and for Tower 6 at the City of Lougheed site (REZ #22-21), which is proposed by the applicant to be located in the subject development, an RM5r rental density up to 2.2 FAR and density offset of up to 1.1 FAR will apply to the site, based on the site’s gross site area.

It is noted that the subject Tower 5 rezoning application and Tower 6 rezoning application (REZ #22-21), which are being advanced concurrently, are consistent with the adopted Master Plan built form guidelines and Rental Use Zoning Policy. As such, the Tower 5 and Tower 6 rezoning applications can be adopted prior to the adoption of the amended Lougheed Core Area Master Plan.

- 2.6 The subject application forms part of Phase 2 of the Lougheed Core Area Master Plan, which includes two mixed-use commercial/residential developments (Tower 5 and Tower 6 of the Master Plan), with Tower 6 advanced under REZ #22-21, located atop a shared parkade. It is noted that these two sites function as an integrated phase of the Master Plan, with many of the publicly accessible

amenities intersecting with the future property lines to be created by the subdivision creating the lot for this development and the Tower 6 development. Therefore, it is intended that REZ 22-21 and REZ 22-22 will be advanced and adopted concurrently.

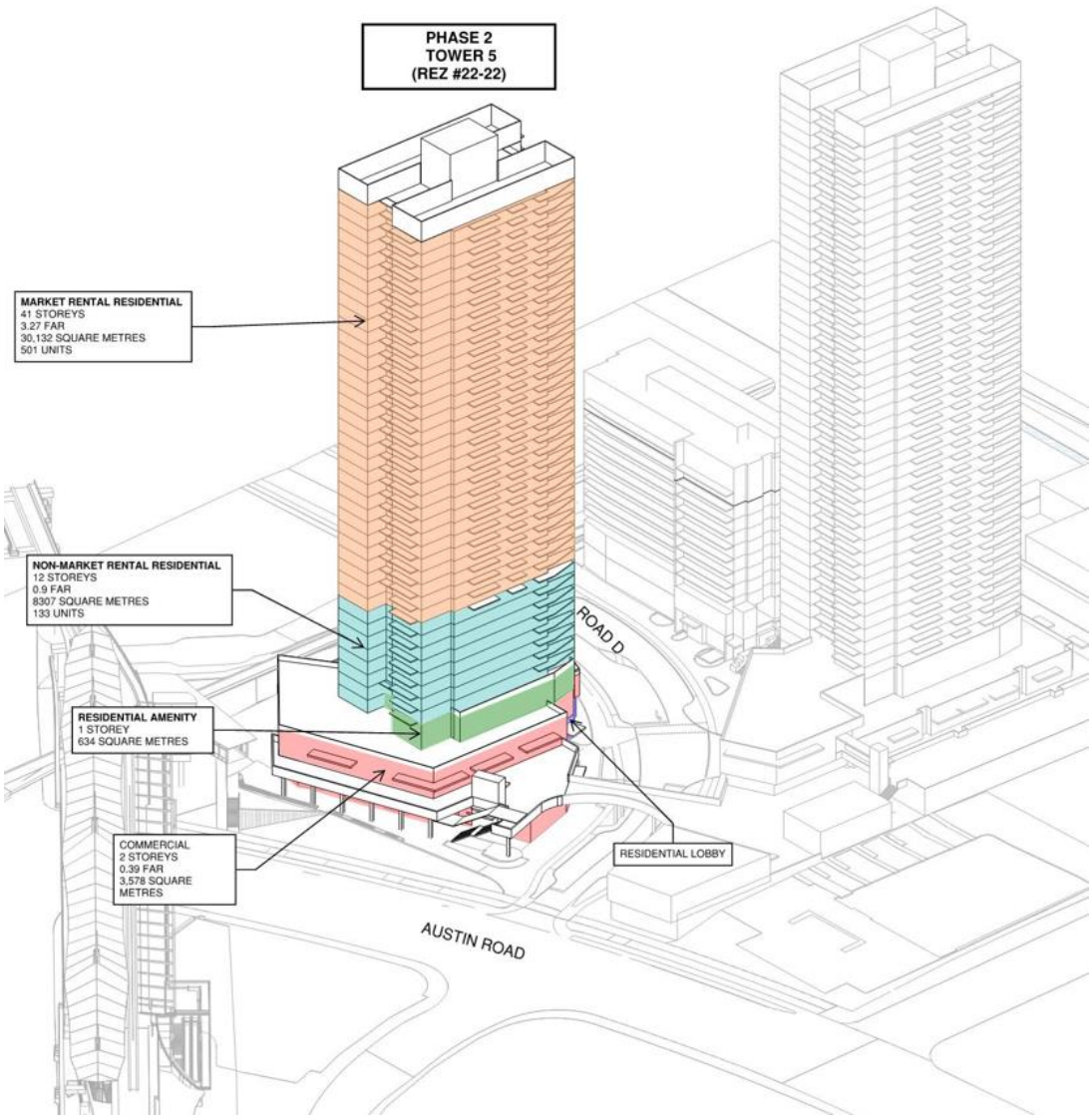
The subject development will provide the Master Plan identified Road D (internal road), connecting Austin Road into the southwest portion of the Master Plan site. Furthermore, the development will provide pedestrian connections from the Lougheed Town Centre SkyTrain Station and a pedestrian bridge connection to the Master Plan’s Transit Plaza (north of Austin Road), which will be delivered through REZ #22-21 (Phase 2 Tower 6), all of which will be protected by Statutory Right-of-Way. These major publicly accessible amenities, have been included in the Master Easement Agreement for the Master Plan site, which includes cost-sharing provisions that address the allocation of costs for the maintenance, repair and replacement of these amenities among the residential and commercial components of the Master Plan site.

- 2.7 On August 29, 2022, Council received an initial rezoning report, which proposed to rezone the subject property to the Amended CD Comprehensive Development District (based on RM5s Multiple Family Residential District, RM5r Multiple Family Residential District, C3 General Commercial District and the Lougheed Town Centre Plan as guidelines). Council authorized staff to work with the applicant towards the preparation of a suitable plan. The applicant has now submitted a plan of development suitable for First and Second Reading of the Rezoning Bylaw.

**3.0 GENERAL INFORMATION**

- 3.1 The development proposal, as shown in **Figure 1**, is for Tower 5 of the Lougheed Core Area Master Plan and includes a single 43-storey non-market and market rental apartment building, inclusive of a two-storey commercial retail podium. A total of 634 rental units are proposed, which includes 133 non-market rental units and 501 market rental units. Vehicular access is provided via the Master Plan’s “Road D”, which provides access to the shared underground parking for Tower 5 and Tower 6 (REZ #22-21), with connections to future phases of the Master Plan to the north and east of the subject site. Pedestrian access is provided to the residential lobby from Road D. Pedestrian access to the commercial component is provided from Road D and a pedestrian connection along the south side of the development that connects the west entrance of the Lougheed Town Centre SkyTrain Station to both Road D and a pedestrian bridge over Road D. The pedestrian bridge will lead to a public plaza that will be delivered as part of REZ #22-21 (Phase 2 Tower 6). A more detailed summary of the proposed development, including density, floor area, residential unit mix, amenity space, and parking and loading, is provided in **Attachment 2 – Development Statistics**.

Figure 1: Land Use and Tenure



3.2 The development will provide the Master Plan identified Road D, connecting Austin Road into the southwest portion of the Master Plan site and a pedestrian connection along the south side of the development, connecting the west entrance of the Loughheed Town Centre Station to a pedestrian bridge over Road D, which leads to the Master Plan’s Transit Plaza (north of Austin Road). The aforementioned portion of the Transit Plaza, north of Austin Road, will be delivered through REZ #22-21. Statutory rights-of-way will be secured over Road D, the pedestrian bridge, and the pedestrian connections to ensure public access in perpetuity.

3.3 Density is determined based on the gross site area. The maximum permitted density for the Master Plan is outlined in **Table 1**. The proposed density for Tower 5 of Phase 2 is outlined in **Table 2**. There may be minor changes to Gross Floor Area (GFA) and proposed unit counts in **Table 2** as a result of design refinements or detailed surveys, subject to the proposed Density (FAR) not being exceeded.

**Table 1: Permitted Master Plan density and remaining density available after density allocated to Phase 1 and to the Pinnacle Austin-Gatineau Site**

<b>Master Plan Site Area (subject to survey): 165,512 m<sup>2</sup></b>		
	<b>Permitted GFA (m<sup>2</sup>)</b>	<b>Remaining GFA (m<sup>2</sup>) following Phase 1 (REZ #15-29, #16-51, #16-52, and #16-53) and Density Transfer to Pinnacle Austin-Gatineau Site (REZ #18-32)</b>
RM5s	827,559.02	521,129.49
C3	993,070.82	787,435.42
Total GFA (m <sup>2</sup> )*	1,820,630	1,308,564.91

As previously noted, the Lougheed Core Area Master Plan did not include RM5r rental density or density offset across the site and is not reflected in the density allocation covenant for the Master Plan. Therefore, the Master Plan will be amended to account for RM5s Offset and RM5r density across the balance of the Master Plan site with the next applicable rezoning application. Table 2 includes Density Offset and RM5r density for Tower 5, based on the Tower 5 site area.

**Table 2: Proposed Phase 2 Tower 5 density, based on subject site area**

<b>Zoning: CD (RM5s, RM5r, C3)</b>			
<b>Site Area (subject to survey): 9,208 m<sup>2</sup></b>			
	<b>FAR</b>	<b>GFA (m<sup>2</sup>)</b>	<b>Proposed Units</b>
RM5r	0.90	8,307.06	133
C3 Commercial	0.39	3,578.15	-
C3 Rental	3.27	30,132.17	501
Total Density T5	4.56	42,017.67	634

Note: The required 133 non-market inclusionary units under the Rental Use Zoning Policy for Tower 6 (REZ #21-22) are being constructed as part of the subject Tower 5 rezoning.

3.4 The application is proposed to be processed in accordance with the City’s Rental Use Zoning Policy, utilizing Stream 2 – Inclusionary Rental and Stream 3 – Voluntary Rental. The applicant is proposing to accommodate the inclusionary rental requirement from Phase 2’s Tower 6 (REZ #22-21), appearing elsewhere on this Council agenda, within Tower 5. Tower 6 generates an inclusionary rental requirement of 133 non-market rental units. To ensure affordability, the rental rates that may be charged for the required inclusionary rental units are to be set at 20% below Canadian Mortgage and Housing (CMHC) median rents in compliance with the RUZP. To support the provision of the non-market rental housing, a density offset is available. The registration of a Housing Covenant and Housing Agreement will be required to protect and regulate affordability measures of the required inclusionary rental units. The registration of a Section 219 Covenant will be required that restricts occupancy of Tower 6 until a certificate of occupancy has been issued in respect of the non-market rental units of Tower 5.

In addition, the applicant is proposing to utilize 30,132.17 m<sup>2</sup> of C3 Density to provide 501 market rental dwelling units in Tower 5. The proposal is in line with the intent of the Rental Use Zoning Policy to provide a minimum ratio of 51% commercial use floor area across the Master Plan site, to 49% market rental uses. The 51% commercial floor area is comprised of the commercial floor area constructed in Phase 1, the Commercial floor area proposed in Phase 2 (Tower 5 and Tower 6) and commercial floor area from a portion of the recently renovated “Eateries” food court located inside the City of Lougheed Shopping Centre. A Section 219 Covenant will be registered to guarantee the provision of the commercial floor area associated with the food court within a future phase if and when the food court is demolished.

3.5 The applicant is providing a minimum of 134 adaptable units which meets a minimum of 20% of all single-level residential units as adaptable, in line with the Adaptable Housing policy.

3.6 The applicant is proposing to provide shared common underground parking for Tower 5 and Tower 6 of Phase 2. A residential parking ratio of 0.29 spaces per residential unit is proposed, based on the total number of units for Tower 5 and Tower 6. A commercial parking ratio of 1 space per 55 m<sup>2</sup> of floor area is proposed, for a total of 291 commercial stalls required for both Tower 5 and Tower 6 commercial uses. It is noted that 72 stalls will be provided within the Phase 2 commercial parking area, with the ability for commercial stalls to be shared as residential visitor parking. The balance of the required commercial parking spaces for Phase 2 is satisfied by the surplus commercial parking spaces provided within Phase 1 (139 stalls) and surplus commercial parking spaces from existing surface parking adjacent to the site on the Master Plan site (80 stalls). It is noted that both the abovementioned surplus parking areas are not more than 122m from the Phase 2 commercial uses; therefore, the proposed allocation of commercial parking meets the provisions of the Zoning Bylaw for shared parking.

A Section 219 Covenant and Easement will be registered on Phase 1 and the remainder parcel, securing the parking spaces required for the Phase 2 commercial uses. The vehicle parking rates outlined above may be varied prior to the issuance of a Preliminary Plan Approval in line with the rates set out in this paragraph or the then-current requirements in the Burnaby Zoning Bylaw, subject to any necessary changes to the transportation demand management (TDM) strategy for the site to be in line with Council adopted guidelines or standards.

3.7 Bicycle parking provisions and end of trip facilities for non-residential uses are outlined in **Attachment 2**. Further, the applicant is providing a comprehensive transportation demand management strategy for rental residents, which includes:

- A transit subsidy fund that amounts to \$1,000 per dwelling unit to allow for a monthly subsidy made available to each dwelling unit at 50% of the cost of a two-zone monthly transit pass;
- provision of \$500 in car share vehicle driving credits per dwelling unit;
- provision of eight parking spaces for Phase 2 (T5 and T6) for car share vehicles on-site with Level 2 or higher charging level;
- provision of bicycle repair and maintenance stations on-site; and,
- a Communications Strategy that provides the building owners, tenants and employees of the residential and commercial uses with an understanding of how to best use each of the alternative transportation options.

The applicant is proposing to utilize eight surplus car share vehicle parking spaces that were constructed as part of Phase 1. These surplus car share vehicle spaces are equipped with Level 2 charging. A Section 219 Covenant, Statutory Right of Way, and any necessary Easements will be registered on Phase 1, securing the eight car share vehicle parking spaces required for Phase 2.

The final transportation demand management strategy measures may be varied prior to Final Reading in line with adopted City policy or bylaw regulations, as amended from time to time.

3.8 Transportation and servicing requirements include improvements to service the subject site, including but not limited to:

- construction of Road D to its final Local Town Centre Standard, with curb and gutter, street trees and lighting, and separated sidewalks;
- construction of an approximately 3.0 m wide east-west pedestrian pathway, connecting the west entrance of Lougheed Town Centre SkyTrain Station to the pedestrian bridge over Road D;
- construction of an approximately 3.0 m wide pedestrian bridge over Road D, with the final area subject to legal survey;
- construction of the Austin Road development frontage to a Minor Arterial Town Centre Standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting; and,



- any required storm sewer, sanitary sewer, and water main upgrades.
- 3.9 The submission of a Green Building Plan and energy benchmarking is required to demonstrate consistency with the Burnaby Green Building Policy. The developer has committed to demonstrating sustainability through building design, materiality and efficiency (water, energy and waste management) initiatives. The applicant has indicated that the development will meet a minimum of Step 2 of the BC Energy Step Code and the Zero Carbon Step Code EL-4.
- 3.10 The provision of public art is a prerequisite of this rezoning. In accordance with the City’s Public Art Policy, the applicant may satisfy the public art requirement through one of two options: Option 1 is to provide public art on the subject site, and Option 2 is to provide a cash-in-lieu contribution to public art. A final determination of which option applies will be made prior to Final Adoption of the rezoning, with all necessary covenants secured to ensure delivery of the artwork or cash in lieu payment.
- 3.11 The required prerequisites to the adoption of the rezoning are listed in **Attachment 3**. In part, the prerequisites include the necessary fees, financial securities, professional reports, legal and servicing agreements, easements, covenants, and statutory rights-of-way to facilitate the servicing and development of the proposed site.

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

As of November 30, 2023, the *Housing Statutes (Residential Development) Amendment Act, 2023* amended Section 464 of the *Local Government Act* to prohibit local governments from holding a Public Hearing for rezoning applications that are all or predominantly (greater than 50%) residential, where the proposed rezoning is consistent with the City’s Official Community Plan. As such, a Public Hearing is prohibited from being held for this rezoning application.

Public notice of the Rezoning Bylaw for REZ #22-22 will be completed prior to bringing forward the Rezoning Bylaw for First Reading, in accordance with section 467 of the *Local Government Act*, the City’s Public Notice Bylaw and Council policy. City staff will mail a notice to those properties that are within a 30 m radius of the subject site. A public notice will also be published on the City’s website, distributed as part of the City’s online newsletter, and a sign regarding the proposal will be posted on the site.

**5.0 FINANCIAL CONSIDERATIONS**

There are no financial considerations related to this proposal.

Respectfully submitted,  
E. W. Kozak, General Manager Planning and Development

**ATTACHMENTS**

- Attachment 1 – Sketch #1 and Sketch #2
- Attachment 2 – Development Statistics
- Attachment 3 – Rezoning Prerequisites

**REPORT CONTRIBUTORS**

This report was prepared by Grant Taylor, Development Planner and reviewed by Jennifer Wong, Assistant City Solicitor, Mark Norton, Development Manager, and Jesse Dill, Development Director.