

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **REZ #24-13 – PORTION OF 3405 WILLINGDON AVENUE –
K^wASƏN VILLAGE PHASES 3-7**
PURPOSE: To seek Council authorization to forward REZ #24-13 to First and
Second Reading at a future Council meeting.

REFERENCES

Address: Portion of 3405 Willingdon Avenue
Legal: Portion of PID: 018-811-337
Portion of Lot 1 District Lot 71 Group 1 New Westminster District
Plan LMP12752 Except Plan EPP6303
Applicant: ADC Management LP, Unit 900 - 89 West Georgia Street,
Vancouver, BC V6B 0N8
Attention: Graeme Clendenan
Current Zoning: CD Comprehensive Development District (based on the RM5 and
RM5r Multiple Family Residential Districts, C2 Community
Commercial District, and B2 Urban Office District as guidelines, and
in accordance with the Master Plan entitled "Willingdon Lands
Master Plan" prepared by IBI Group)
Proposed Zoning: Amended CD Comprehensive Development District (based on the
RM5 and RM5r Multiple Family Residential Districts, C2 Community
Commercial District, and the Willingdon Lands Master Plan as
guidelines, and in accordance with the development plans entitled
"Willingdon Lands Phase 3-7" prepared by Arcadis IBI Group)

RECOMMENDATION

THAT a Rezoning Bylaw for REZ #24-13 be prepared and advanced to First and
Second Reading at a future Council meeting;

THAT the park and open space approach for the Phase 3-7 rezoning (REZ#24-13),
as outlined in Section 3.10 of the report titled "REZ #24-13 – Portion Of 3405
Willingdon Avenue - k^wasƏn Village Phase 3-7" dated December 16, 2024, be
endorsed, and staff be directed to bring forward a Parks and Open Space strategy
for approval; and

THAT the items listed in **Attachment 3** to the report titled "REZ #24-13 – Portion
Of 3405 Willingdon Avenue – k^wasƏn Village Phases 3-7" dated December 16,

2024 be established as prerequisites to consideration of Final Adoption of the Rezoning Bylaw for REZ #24-13.

EXECUTIVE SUMMARY

A rezoning application has been received to establish development plans for Phases 3-7 of the Willingdon Lands Master Plan (kʷasən Village). Phases 3-7 are comprised of fifteen 10-25 storey residential buildings with ground-oriented commercial uses in strategic locations, and various publicly accessible open spaces. 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), and;
- HOME: Housing and Homelessness Strategy (2021).

2.0 BACKGROUND

- 2.1 The subject development site is located within the Willingdon Lands/ kʷasən Village Master Plan area at the southwest corner of Canada Way and Willingdon Avenue, and is designated for Urban Village and Business Centre within the Official Community Plan (see **Attachment 1** – Sketch #1). The Phase 3-7 site area will be subdivided from the parent parcel (3405 Willingdon Avenue) into multiple lots for future development in line with the Council-adopted Master Plan. Aside from the kʷasən Village presentation sales centre, which is currently under construction (PPA#22-00116), and located at the corner of Canada Way and Willingdon Avenue, the Phase 3-7 site area is currently vacant.
- 2.2 On July 04, 2022, Council adopted Bylaw No. 14451 to amend the Burnaby Official Community Plan to designate the Willingdon Lands site (owned through a partnership between the Musqueam Indian Band, Tsleil-Waututh Nation and Aquilini Development) as an Urban Village and Business Centre. On October 21, 2024, Council granted Final Adoption to Bylaw No. 14446 (Rezoning Reference #17-03), which established the conceptual Willingdon Lands Master Plan and supports the future vision of this property as a contemporary Musqueam and Tsleil-Waututh Urban Village consisting of multi-phased residential, commercial, film studio and office development over seven phases of construction. On June 24,

2024, Council granted Third Reading to Bylaw No. 14604 in respect of a portion of the first phase of development (Rezoning Reference #22-29), which will likely be advanced to Council for Final Adoption in the coming months. A plan of development for Phase 2 (REZ #23-24) has also been prepared for Council’s consideration, and appears for First and Second Reading on the December 16 Council agenda.

- 2.3 On August 26, 2024, Council received for information an initial rezoning report, which proposed to rezone the subject property to the Amended CD Comprehensive Development District (based on RM5 and RM5r Multiple Family Residential Districts, C2 Community Commercial District, and the Willingdon Lands Master Plan as guidelines). Council authorized staff to work with the applicant towards the preparation of a suitable plan of development. The applicant has now submitted development plans suitable for First and Second Reading of the Rezoning Bylaw.

3.0 GENERAL INFORMATION

- 3.1 The purpose of this rezoning application is to establish development plans for Phases 3-7 of the Willingdon Lands Master Plan (kʷasən Village) to help streamline future development approvals. While the Master Plan secured a conceptual vision for the future of the overall lands, this application aims to identify the specific land uses, number of market leasehold strata, market rental and non-market rental units, and total gross floor area that will be allocated to each future phase of development. As use and density would be established through this rezoning application, and assuming no substantial changes to use or density are proposed hereafter, the future development of Phases 3-7 would not require a subsequent site-specific rezoning application. Further details such as architectural treatment, unit mix, parking and loading statistics, will be determined through future site-specific development approval applications (Preliminary Plan Approvals or Development Permits). A Section 219 Covenant restricting the issuance of a Building Permit until such time that each site-specific application has an approved suitable plan of development and approved technical submissions will be registered on title.

The redevelopment of the subject property has provided the City with a unique opportunity to strengthen the City’s relationship with local First Nations through meaningful and collaborative planning processes which emphasize the economic, social, and cultural benefits that the development of the site can provide for members of the two Nations: Musqueam Indian Band and Tsleil-Waututh Nation. By advancing this rezoning application, the City can attempt to streamline future development approvals for Phases 3-7 of kʷasən Village.

- 3.2 Each phase of development (see **Figure 1** – Proposed Phases) is to be delivered in line with development plans entitled “Willingdon Lands Phase 3-7” that are associated with this rezoning, as well as the form and character guidelines established in the Council-adopted conceptual Master Plan. The required sequencing of phasing and the associated requirements for each phase, such as

the delivery of park and open space, roads, servicing improvements, pathways or other amenities will be outlined in a phasing covenant (as further described in section 3.9 of this report) to be registered on the Phase 3-7 lots prior to Final Reading.

Figure 1 – Proposed Phases



Phases 3 and 6 form part of the Park District and each contains three buildings, which have been placed to ensure maximum light exposure to the central open spaces, daylit stream, and proposed cultural centre. Buildings will have a mid-rise terraced form around the edges of the park space and taller forms (25-storeys) as one moves further from the center of the cultural heart. Residential uses in these phases are primarily market strata leasehold with the exception of a six-storey rental building proposed in Phase 6 (see **Table 3**).

Phase 4 forms part of the Trade District, the commercial core of the local neighborhood, and provides a variety of commercial and retail spaces below residential uses. The entrance to the site at Canada Way and Willingdon Avenue will feature a welcome plaza, and is punctuated with a landmark 22-storey residential high-rise building. A focus of this phase of development is to create an active street frontage and strong relationship between the built form, commercial activity, and the wide diagonal public pathway into the heart of the village. A portion of Street 3 adjacent to the park will be a private section of road (with protections for public access through a Statutory Right-of-Way) that can transform into additional plaza space during temporary road closures for festivals or events. Residential units in this phase are mixed-tenure and include market leasehold strata, market rental, and non-market rental units.

Phases 5 and 7 form part of the Residential District and contain six residential buildings ranging in height from six to 20-storeys. Buildings within these phases will take the form of mid-height towers with six to ten-storey podiums, providing a terraced or stepped approach to height. Residential units in these phases are exclusively market leasehold strata.

The future film studio envisioned in the Storytelling District of the Master Plan is not included in the scope of this rezoning, and will require a future site-specific rezoning application.

- 3.3 Density is determined based on the gross site area and the permitted Floor Area Ratio (FAR). The maximum permitted and proposed density for the subject site (Phases 3-7) is outlined in **Table 1** and **Table 2**. **Table 3** below provides additional details on the proposed residential tenure and unit counts by phase. There may be minor changes to Gross Floor Area (GFA) and proposed unit counts as a result of design refinements or detailed surveys, subject to the proposed Density (FAR) on **Table 2** not being exceeded. A more detailed summary of the proposed development, including density and floor area, is provided in **Attachment 2 – REZ #24-13: Development Statistics**.

Table 1: Proposed density based on Master Plan site area

	Permitted GFA (m ²)	Remaining GFA (m ²) following Phase 1 and 2
RM5	308,270.87	228,343.59
RM5r	56,382.85	34,137.36
C2	13,006.43	10,236.34
B2	41,806.40	41,806.40
Total GFA (m ²)	419,466.55	314,523.69

Table 1 identifies the remaining density available on site after density allocated to Phase 1 and Phase 2 has been accounted for. Applied to the subject site area (Phase 3-7) of 73,817.34 m², the proposed allocated density for Phases 3-7 is 3.69 FAR.

Table 2: Proposed density based on subject site area (Phases 3-7)

Zoning: CD (RM5, RM5r, C2) Site Size (subject to survey): 73,817.34 m ²	Proposed Density (FAR) and GFA (m ²)	Proposed Units
RM5 FAR	3.09	3,439
GFA (m ²)	228,336.03	
RM5r FAR	0.46	562
GFA (m ²)	34,118.81	
C2 Commercial FAR	0.14	-
GFA (m ²)	10,198.80	
Total Density	3.69	4,001
Total GFA (m ²)	272,653.64	

3.4 The site-specific RM5 FAR noted on **Table 2** exceeds the maximum permitted RM5 density of 2.2 FAR, which is permitted by the density allocation covenant registered on title as part of the Willingdon Lands Master Plan (REZ #17-03). The density allocation covenant allows additional density from within the overall Master Plan pool of density to be assigned to Phases 3-7. Ultimately, the density applied to the subject sites will draw down from the maximum overall Master Plan density permitted. The density allocation covenant will be updated prior to the issuance of

each site-specific development application (PPA/DP). A further breakdown of density by Phase and lot is provided in **Attachment #2**.

3.5 As noted in Table 3 below, a total of 4,001 residential dwelling units are proposed across Phases 3-7, comprised of 3,439 leasehold market strata units, 50 Canada Mortgage and Housing Corporation (CMHC) Market Median rental units, 374 market rental units, and 138 inclusionary rental units rented at 20% below the CMHC market median rates. The Willingdon Lands Master Plan proposes a unique approach to housing tenure and affordability, which varies from the Council-adopted Rental Use Zoning Policy. As per the adopted Master Plan, this site will provide market and non-market rental units equivalent to 20% of the total number of units derived from the RM District density across the overall site, with 5% of all units provided at 20% below the CMHC market median for the neighbourhood. The leasehold tenure of the Willingdon Lands allows the Nations to maintain fee simple ownership of the lands in perpetuity while simultaneously creating a more affordable alternative to freehold home ownership in Burnaby. Further, the leasehold tenure approach is critical for the economic prosperity of the future generations of the Musqueam and Tsleil-Waututh Nations, and is aligned with the City’s commitment to Truth and Reconciliation.

Prior to the issuance of the site-specific development application (PPA/DP) for each of Phases 4 and 6, the applicant will be required to enter into a Housing Agreement and Housing Covenant to secure the tenure, affordability and tenant eligibility criteria of the non-market and market rental units required to be constructed in that Phase. Staff will at that that time bring forward a report to Council seeking Council authority to bring forward a Housing Agreement Bylaw setting out the affordability and tenant eligibility criteria applicable to the non-market and market rental units in the applicable Phase.

Table 3: Proposed residential tenure and unit counts by phase

Phase	Market Leasehold Strata	Non-Market Rental (20% Below CMHC Median)	Non-Market Rental (CMHC Median)	Market Rental	TOTAL
Phase 3	706				706
Phase 4	361	112	50	292	815
Phase 5	790				790
Phase 6	798	26		82	906
Phase 7	784				784
Total	3,439	138	50	374	4,001

3.6 In each phase of development, the applicant will be required to meet the then current adaptable housing requirements of the City and/or BC Building Code.

- 3.7 Vehicle and bicycle parking rates will be determined prior to the issuance of a site-specific development approval in line with the rates set out in the then-current Burnaby Zoning Bylaw. The applicant will also be required to meet the then-current Burnaby Zoning Bylaw requirements for commercial parking, residential and non-residential EV parking, end-of-trip facilities, and accessible parking.
- 3.8 Transportation and servicing improvements include, but are not limited to:
 - improvements to Canada Way and Willingdon Avenue;
 - construction of internal roads and active transportation facilities as per the approved Engineering Master Plan;
 - construction of an east-west trail connecting the site towards Gilmore Way and the broader Cascade Heights Community Plan Area; and
 - undergrounding of overhead wiring, and any required storm, sanitary and water services.

The Phase 3-7 subdivision associated with the subject rezoning will include a servicing agreement to establish the requirements and security to ensure construction of the required servicing works necessary to support the phasing of the development of the site. Further work is required prior to Final Reading to finalize the scope of work for the Phase 3-7 servicing agreement, including but not limited to:

- traffic signal analysis and configuration;
- road geometrics and road dedication requirements;
- typical cross-sections for all roads impacted by the development;
- alignment and sizing of sanitary, storm, and water services;
- a stormwater management strategy; and,
- conceptual alignments for third party utilities.

A Section 219 covenant will be registered on title to restrict the issuance of a site-specific development application (PPA/DP) until the detailed engineering designs for the specific phases have been accepted by the General Manager Engineering. Further servicing agreements and additional security may be required by the General Manager Engineering at that time.

- 3.9 Each phase of development will be required to deliver various elements of the public realm, road improvements, open space, and on-site amenities identified in the Master Plan. A Section 219 Phasing Covenant will be registered on title to ensure that the amenities and upgrades associated with a specific phase are delivered. **Figure 2** below identifies which obligations will be associated with each phase of development.

Figure 2



Phase 3

- **Cultural Centre:** Approximately 464.52 m² of gathering space which will support learning, storytelling, and community. Flexible multi-use space for all ages. Programming to be determined at the site-specific stage.
- **Hearth:** An outdoor public realm feature with seating and gathering space.
- **Landing Park:** This is a public park that will be constructed by the owner. Details related to the maintenance, programming, and public access to and use of the park space will be addressed in a Parks and Open Space strategy which will be advanced for Council’s consideration in a future separate report prior to Final Adoption of this rezoning.

- **Sumner Creek Enhancement and Natural Area:** The daylighting of a portion of Sumner Creek and introduction of a wetland feature will enhance the overall stormwater management system on site. Native tree species and aquatic plantings will create a natural setting with ecological benefit. Introduction of a natural area west of Sumner Avenue is designed to connect to the Discovery Place Conservation Area. The owner-led riparian enhancement is planned with the introduction of a new publicly accessible pathway connecting the site to Gilmore Avenue (while preserving the SPEA), as per the approved Master SPEA Plan registered on title as part of the Master Plan.
- **Street Improvements:** extension of Sumner Avenue through to Goard Way, and improvements to the Sumner Avenue and Canada Way intersection.

Phase 4

- **Trade Plaza:** A publicly accessible hardscaped welcome plaza at the corner of Willingdon Avenue and Canada Way. This is a key entry portal into the site and will contain artworks, seating, and wayfinding. A Statutory Right-of-Way for public passage that is owner constructed and owner maintained will be required in connection with the subject rezoning.
- **Trade Path:** Pedestrian pathway through the commercial hub of the site and into the interior green spaces. The pathway will be activated with commercial uses and patios for a rich and convenient experience. A Statutory Right-of-Way for public passage that is owner constructed and owner maintained will be required in connection with the subject rezoning.
- **Street Improvements:** Construction of the private portion of Street 3, which can be converted to an additional plaza space during festivals and events. Back of curb improvements to the north side of Street 2.

Phase 5

- **Green Passageway:** A mid-block connection from the interior of the site to Canada Way will be provided. A Statutory Right-of-Way for public passage that is owner constructed and owner maintained will be required in connection with the subject rezoning.
- **Street Improvements:** The construction of Street 1 to the curb on the southern edge, will be completed as part of this phase.

Phase 6

- **Legends Park:** This is a public park that will be constructed by the owner. Details related to the maintenance, programming, and public access to and use of the park space will be addressed in a Parks and Open Space strategy which will be advanced for Council’s consideration in a future separate report prior to Final Adoption of this rezoning.
- **Childcare Facility and Playground:** Building 6C will contain a childcare facility at ground level with the requisite outdoor play area.

- **Street Improvements:** Back of curb enhancements to the southside of Street 1 and the east side of Sumner Avenue will be completed.

Phase 7

- **Natural Buffer:** Improvements will be made to the natural buffer, including enhancement of the ditch and riparian area. This buffer will run along the western and southern borders of the overall Master Plan site area.
- **Street Improvements:** Back of curb enhancements to the western portion of Sumner Avenue.

3.10 The Phase 3-7 proposal includes a subdivision application to create 11 additional development parcels. Under Section 510 of the *Local Government Act*, where a subdivision results in the creation of three or more additional lots, the City may require the applicant to provide up to a maximum of five per cent of the land being subdivided as dedicated park land or to pay to the City an amount equal to the market value of the land required to be dedicated as park. In line with the Master Plan, the approach for Phases 3-7 is to secure a series of interconnected publicly accessible urban plazas (Phase 4), recreational park programming (Phase 3 and 6), and natural area (Phase 3) between the Canada Way and Willingdon Avenue intersection to the east and Sumner Creek to the west.

As part of the November 2021 Council-endorsed preliminary vision and principles for the Willingdon Lands, there was a guiding principle to “*recognize the history of the site, since time immemorial, and what it means for this land to be returned to the Musqueam and Tsleil-Waututh Nations.*” Given this land is part of an indigenous-led Master Plan, and in the context of reconciliation, alternative approaches (e.g. lease, statutory rights of way, co-management arrangements, etc.) to park dedication (or cash-in-lieu) are being proposed. The intent of the applicant is to achieve a high-quality public realm with the landowner assuming the responsibility and cost to construct and deliver all required park and open space improvements, and retain ownership interest in the underlying lands. The proposed public amenities and the timing of their delivery is outlined in Section 3.9 above.

The timing of the park construction is to be secured as part of a phasing covenant registered on title prior to Final Adoption. Further details related to the delivery, maintenance, programming and responsibilities with respect to the proposed park spaces in Phases 3 and 6 will be advanced for Council’s consideration in a separate report prior to Final Adoption. An approved Parks and Open Space strategy and the necessary legal agreements to secure the deliverables will be a requirement of the subject rezoning application.

- 3.11 A Green Building Plan and energy benchmarking will be required with each phase site-specific development application to demonstrate consistency with the Burnaby Green Building Policy at that time.
- 3.12 The City is currently developing a district energy utility (DEU) to serve space heating and domestic hot water needs of buildings in south Burnaby. Based on the

development’s location, proposed Comprehensive Development (CD) District zoning and the total floor area of all buildings on the site (>100,000 sq. ft.), the Phase 3-7 developments will be required to meet the Council-adopted District Energy policy. Since the site is within Service Area B, connection to the future DE system will be mandatory. A DEU system compatibility review will be conducted prior to the issuance of a Building Permit.

- 3.13 The required prerequisites to the adoption of the rezoning are listed in **Attachment 3 – Rezoning Prerequisites**. 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 #24-13 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
- Attachment 2 – Development Statistics
- Attachment 3 – Rezoning Prerequisites

REPORT CONTRIBUTORS

This report was prepared by Michael Phillips, Development Planner, and reviewed by Mark Norton, Manager Development, Matthew Campbell, Park Planner, Carl Isaak, Director Neighbourhood Planning and Urban Design, Jesse Dill, Director Development, Ellen Ripley, Staff Solicitor, Jennifer Wong, Assistant City Solicitor, and May Leung, City Solicitor.