

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT AND
DEPUTY GENERAL MANAGER PARKS, RECREATION AND
CULTURE
SUBJECT: **REZ #24-13 – KWASEN VILLAGE PARKS AND OPEN SPACE
STRATEGY (PORTION OF 3405 WILLINGDON AVENUE)**
PURPOSE: To seek Council endorsement of a parks and open space strategy, as an
alternative to park dedication or cash in-lieu within the Kwasen Village
Master Plan area.

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 the proposed strategy for securing and maintaining the parks and open space within the Kwasen Village Master Plan area, as outlined in Sections 3.2, 3.3, and 3.4 of the report titled "REZ #24-13 – Kwasen Village Parks and Open Space Strategy (Portion of 3405 Willingdon Avenue)" dated April 08, 2025, be approved.

EXECUTIVE SUMMARY

This partnership and proposed intergovernmental relationship aim to establish a balanced and respectful approach to securing essential park spaces and park amenities for the development while prioritizing reconciliation with host Nations. As part of Rezoning Reference (REZ) #24-13 (see **Attachment 1**), Council endorsed

the pursuit of an alternative approach to park dedication (or cash in-lieu) as part of the Willingdon Lands Phase 3-7 subdivision, as identified under Section 510 of the *Local Government Act*, in the spirit of reconciliation. As an indigenous-led Master Plan, Staff committed to reporting back to Council with a strategy for securing publicly accessible land for park purposes in a future report. Following discussions between the applicant and Staff, the purpose of this report is to provide Council with information on a potential alternative approach to park dedication (or cash-in lieu), and recommend that Council endorse a strategy to secure, deliver, and maintain the parks and open space within the Kwasen Village Master Plan area through a long-term lease structure and intergovernmental governance model. The approach follows similar models used in the Jericho Lands and Heather Lands developments in the City of Vancouver, undertaken with the same host Nations. To protect future park spaces, multiple layers of security will be applied to provide and protect park uses on site, including Official Community Plan (OCP) park designations, zoning for park use, covenants restricting the park parcels to park use, and a 99-year lease with a right of first refusal and option to purchase for the City, should the owners decide to sell the property.

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), and
- Indigenous Relations and Reconciliation Framework and Strategy (2024).

2.0 BACKGROUND

- 2.1 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 – “the Partnership”) as an Urban Village and Business Centre. On October 21, 2024, Council granted Final Adoption to Bylaw No. 14446 (REZ #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 primary phases of construction.

- 2.2 On February 25, 2025, Council granted Final Adoption to Bylaw No. 14604 (REZ #22-29) to permit the construction of the Phase 1 development within the Willingdon Lands Master Plan, now referred to as “Kwasen Village”. On January 28, 2025, Council

granted Second Reading of Bylaw No. 14709 (REZ #23-24) to permit the construction of Phase 2 of Kwasen Village, which will likely be advanced for Third Reading and Final Adoption in the coming months.

2.3 On January 28, 2025, Council granted Second Reading of Bylaw No. 14721 (REZ #24-13) for Kwasen Village Phases 3-7. 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 will be registered on title to restrict 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, required fees and security have been paid, and associated legal agreements are executed and, if necessary, registered on title.

2.4 The Rezoning Report for Phases 3-7 noted that the application involves a subdivision to create 11 or more 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. Given this land is part of an indigenous-led Master Plan, and in the context of reconciliation, Staff recommended exploring alternative approaches (e.g. lease, statutory rights of way, co-management arrangements, etc.) to park dedication (or cash-in-lieu), and committed to reporting back to Council when a suitable alternative strategy for securing publicly accessible park and open space across the development site has been solidified.

2.5 An alternative strategy to secure and maintain publicly accessible park and open spaces within the Kwasen Village Master Plan area has been discussed with the Partnership and is now being brought forward for Council’s consideration.

3.0 GENERAL INFORMATION

3.1 The intent of the applicant is to achieve a high-quality public realm with the Partnership assuming the responsibility and cost to construct and deliver all required park and open space improvements (see **Figure 1**), while retaining ownership interest in the underlying lands. Staff have worked with the applicant to find a mutually agreeable path forward, which protects the Partnership’s ownership interest in the land, while securing the long-term public access and enjoyment of park and open space amenities on site for the broader public.

Figure 1: Kwasen Village Public Amenities



3.2 As outlined previously in the rezoning report, a Phasing Covenant will be registered on title prior to Final Adoption, which will require the provision of the public realm amenities (identified in **Figure 1**) in conjunction with specific construction phases. All of the listed amenities will be constructed by the developer, at their sole cost, but the ultimate maintenance, accessibility, and ownership structure may vary for each amenity. **Table 1** below provides an overview of each public realm amenity, and how it would be provided within the context of the proposed parks and open space strategy:

Table 1

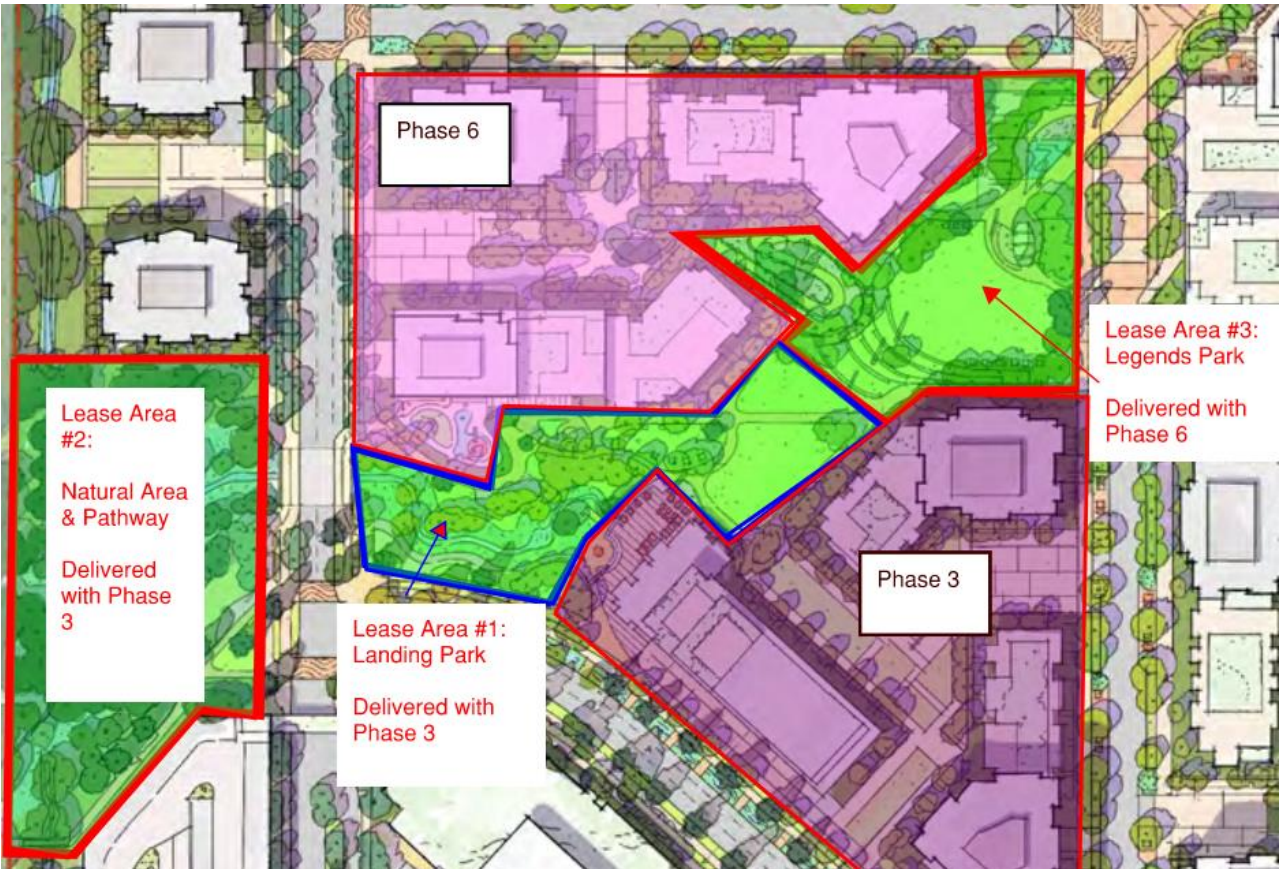
Amenity	Phase Provided	Ownership after Completion	Maintenance Costs	Access
Cultural Centre	3	Applicant/Developer	Developer/Strata	Open during business hours
Hearth	3	Applicant/Developer	Developer/Strata	Open during business hours
Landing Park	3	99-year lease to the City	City	Public per lease terms
Creek Daylighting	3	99-year lease to the City	City	Public per lease terms
Natural Area	3	99-year lease to the City	City	SPEA Restrictions
Natural Area Pathway	3	99-year lease to the City	City	Public per lease terms
Trade Plaza	4	Applicant/Developer	Developer/Strata	SRW for public access
Trade Path	4	Applicant/Developer	Developer/Strata	SRW for public access
Green Passageway	5	Applicant/Developer	Developer/Strata	SRW for public access
Legends Park	6	99-year lease to the City	City	Public per lease terms
Childcare Facility and Playground	6	Applicant/Developer	Developer/Strata	Open during business hours
Natural Buffer	7	Applicant/Developer	Developer/Strata	SPEA Restrictions

It is noted that the developer has maintenance obligations related to the natural areas on site and these are secured by the Master SPEA Plan, which was registered on title as part of the Master Plan rezoning. While day-to-day maintenance obligations may be transferred to the City or future strata through a lease agreement, the applicant would still be required to fulfill their required 10-year maintenance and monitoring activities as per the Master SPEA agreement. The 10-year commitment includes repair of any structures (tree stakes, beaver fencing, in-stream works), invasive species removal, watering and the replacement of any failed plantings. Annual reports

documenting the results of monitoring work and detailing activities undertaken are required to be submitted to the City.

3.3 As presented in **Table 1** above, and in-lieu of park dedication, it is proposed that the park space amenities (Legends Park, Landing Park, Natural Area and Natural Area Pathway) be leased to the City for 99 years (with an option to renew to be explored), with the cost of maintenance during that term remaining with the City. An intergovernmental working group comprised of members from the Partnership and City staff, would be formed to oversee the decision making and governance of these spaces. Three distinct lease areas are proposed as depicted below in **Figure 2**.

Figure 2: Park amenities to be leased to the City in lieu of dedication



The proposed parks and open space strategy can be further summarized as follows:

- The lands will remain in ownership of the Partnership, with park use secured by Comprehensive Development zoning, a Section 219 Covenant and through the future Burnaby 2050 OCP designation;
- The three lease areas identified in **Figure 2** above will be leased to the City at a nominal cost for 99 years for public park use, with an option to renew to be explored;
- Continuous ownership of the park lands will be secured by a right of first refusal and option to purchase agreement, which will provide that if the owners intend to sell the

park lands, or portion thereof, the City will have the option to purchase the park for a nominal/minimal purchase price;

- An intergovernmental working group (comprised of the Partnership and City staff) will be established to co-design the park, establish programming, engage the community for design input, and collaborate on important decisions over the lifetime of the lease;
- The necessary security to ensure delivery of the park and open space on the basis of the final approved design will be provided to the City with the respective phase of delivery;
- The improvements (construction and servicing) will be provided at the sole cost of the developer; and,
- The City will be responsible for day-to-day maintenance and improvements during the lease term for the parks and open space that will be subject to a lease, except that SPEA-related maintenance and monitoring activities in the Natural Areas will be the responsibility of the Partnership.

3.4 The specific business terms for the lease agreements and a Terms of Reference for the intergovernmental working group will be brought forward for Council’s consideration and approval prior to the issuance of a site-specific development application (PPA/DP) for Phase 3, where the first park amenities are required to be delivered. The respective lease agreements would need to be registered on title prior to the issuance of occupancy permits for the site-specific development applications, with lease enactment and public access commencing once the park has been constructed to City standards and accepted by the City.

3.5 Staff recommend that Council endorse the proposed parks and open space strategy as an alternative to the provisions of Section 510 in the *Local Government Act*, and in lieu of park dedication (or cash in-lieu). The terms listed above and explained in this report allow the Partnership to maintain the underlying ownership of the lands while securing publicly accessible park and open space on the site for at least 99 years, in a manner that closely resembles park dedication. **Table 2** below indicates the approximate size of the proposed leasehold park areas available for public use, which total 7.05% of the overall Master Plan site area.

Table 2

Master Plan Site Area	1,744,514 sq. ft.	162,070.65 m2
Proposed Lease Areas	Site Area (m2)	% of total site
Natural Area	5,086.09	3.13
Park Space	6,360.75	3.92
TOTAL	11,446.84	7.05

Should this alternative approach to park dedication (or cash in-lieu) be accepted by Council, Staff will enter into a Park Development Agreement with the applicant in line with the terms of the parks and open space strategy discussed above. The agreement will outline the general terms and timing for securing, designing, constructing, and maintaining the abovementioned amenities. The Park Development Agreement will be registered on title as a requirement of the subject rezoning application, prior to Final Adoption.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

If the proposed parks and open space strategy is endorsed by Council, the design and programming of the future park spaces will be the subject of a future community consultation process. As development phases proceed and park spaces are delivered by the applicant, the Parks, Recreation & Culture department will collaborate with the Partnership to engage with the community and ensure that the appropriate scale and amount of park amenities are provided within the proposed park spaces.

5.0 FINANCIAL CONSIDERATIONS

The Parks, Recreation & Culture department will work closely with the proponents to understand the delivery timeline and scope of the proposed park phases and to integrate a sustainable park operational plan into the City’s budgeting process. Park maintenance and asset management funding will be requested from Council at the time of park development and incorporated into the City’s operating budget to ensure the long-term sustainable management of these spaces.

Respectfully submitted,

Ed Kozak, General Manager Planning and Development and
Carmen Gonzalez, Deputy General Manager Parks, Recreation and Culture

ATTACHMENTS

Attachment 1 – Sketch #1

REPORT CONTRIBUTORS

This report was prepared by Michael Phillips, Development Planner and reviewed by Jesse Dill, Director Development, May Leung, City Solicitor, and Andre Isakov, Director PRC Planning.