

INTER-OFFICE MEMORANDUM

TO: DIRECTOR
LEGISLATIVE SERVICES

June 10, 2025

FROM: GENERAL MANAGER
PLANNING AND DEVELOPMENT

Subject: **REZONING REFERENCE # 22-21**
BYLAW 14717, AMENDMENT BYLAW NO. 31, 2024,
Mixed-Use Commercial/Residential Development - Phase 2 (Tower 6)
Lougheed Core Area Master Plan
Reconsideration and Final Adoption

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
Attention: Patrick Hunter

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 6)” prepared by Arcadis Architects
(Canada) Inc.)

The following information applies to the subject rezoning bylaw:

1. First and Second Reading given on January 28, 2025; and,
2. Third Reading given on May 27, 2025.

The prerequisite conditions have been completely satisfied as follows:

1. The submission of a Suitable Plan of Development.

A complete suitable plan of development has been submitted.

2. The submission of the following plans and studies acceptable to the City:
 - a) Comprehensive Sign Plan;
 - b) Phasing and Demolition Plan;
 - c) Construction Management and Access Plan;
 - d) Fire Access Plan;
 - e) Solid Waste and Recycling Plan;
 - f) Loading Management Plan;
 - g) Traffic Impact Analysis Report;
 - h) Public Art Plan;
 - i) Geotechnical and Groundwater Study;
 - j) Storm and Ground Water Management Plan;
 - k) Green Building Plan and Energy Benchmarking;
 - l) Offsite Civil Engineering Design;
 - m) Acoustic Study.

The applicant has agreed to this prerequisite in a letter dated March 28, 2025. The specific items noted above are indicated on the development plans or are sufficiently addressed by Covenants or regulations.

3. Provision of standard requirements to service the proposed development as determined by the General Manager of Engineering, including the execution and delivery of a Servicing Agreement in respect of all services necessary to serve the site, including but not limited to:
 - a) any required storm sewer, sanitary sewer, and water main upgrades;
 - b) Any required easements, statutory rights-of-way, or other legal instruments to facilitate servicing requirements.

All services are to be designed to City standards and constructed in accordance with the City-approved engineering design. Completion of all services required under the Servicing Agreement is a condition for the issuance of an occupancy permit for the development. A copy of either the developer's or the contractor's Certificate of Insurance is to be submitted to the Planning and Development Department.

In addition, the necessary security, Covenant, and Statutory Right-of-Way for the construction of the identified Road D to a two lane Town Centre Local Standard and Road B to a two lane Town Centre Local Standard is required.

The applicant has agreed to these prerequisites in a letter dated March 28, 2025 and has submitted the necessary funds including a 4% inspection fee to cover the costs of all services necessary to serve the site, and the servicing agreement has been completed. In addition, the requisite statutory Rights-of-Way have been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.

4. A submission for registration in the Land Title Office of a subdivision plan to create the subject development parcel and all required road dedications.

The requisite subdivision plan has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.

5. The utilization of an amenity bonus in accordance with Section 3.4 of the rezoning report.

The applicant has selected the option available to Master Plan sites, which is to defer the negotiation and payment of their density bonus value for this phase until prior to PPA/BP for the development. A Section 219 Covenant, restricting the issuance of a PPA/BP and restricting marketing for the project until such time that the value is negotiated and paid in full, has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.

6. In addition to a Section 219 Covenant, to ensure the demolition and removal of existing structures and materials on the subject site:
 - a) The submission and acceptance by the City of a signed and dated cost estimate for the demolition of all existing buildings that includes the removal, disposal and recycling of the demolition materials (including hazardous waste materials); and
 - b) The submission of cash, a certified cheque, bank draft or an irrevocable Letter of Credit in the amount of the accepted cost estimate in s. 6(b) above to ensure completion of the demolition.

The applicant has agreed to this prerequisite in a letter dated March 28, 2025. The required Covenant has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.

7. The submission for registration in the Land Title Office of the following legal instruments with security, where necessary:
 - a) if applicable:
 - Section 219 Covenant restricting the issuance of Preliminary Plan Approval and Building Permit until the bonus density has been paid in full and requiring the payment, on a quarterly basis, to the City of interest in respect of the density bonus payment at the rate of interest equal to two percentage points above the Variable Royal Bank Prime Rate per annum compounded annually with the interest payment calculated commencing on the date of final adoption of the rezoning bylaw to the date of payment in full of the density bonus payment; or
 - Section 219 Covenant restricting the issuance of Preliminary Plan Approval (PPA) and Building Permit, and prohibiting the owner from marketing any units (as defined in the *Real Estate Development Marketing Act*) until the density bonus payment payable in respect of the building(s) authorized by the PPA or Building Permit, or that are being marketed, has been paid to the City;
 - b) Section 219 Covenant ensuring the demolition of the existing building(s) on the development site within 12 months of final adoption of the subject rezoning bylaw;

- c) Section 219 Covenant restricting occupancy of Tower 6 until a certificate of occupancy has been issued in respect of the non-market rental units of Tower 5;
- d) Section 219 Covenant to guarantee the design and construction of the covered roof of the Pedestrian Spine, to be delivered prior to Occupancy of the last phase of the Master Plan.
- e) Section 219 Covenant restricting enclosure of balconies;
- f) Section 219 Covenant ensuring compliance with the approved acoustical study;
- g) Section 219 Covenant guaranteeing the provision and ongoing maintenance of storm and ground water management facilities;
- h) Section 219 Covenant guaranteeing the provision and ongoing maintenance of public art, and if required, a Statutory Right of Way guaranteeing public access to, and use and enjoyment of, the public art; or Section 219 Covenant to ensure payment of cash-in-lieu contribution for public art prior to Building Permit issuance;
- i) Section 219 Covenant ensuring compliance with the Green Building Plan for the site as well as a commitment for the property owner/representative to submit the necessary information to NRCAN;
- j) Section 219 Covenant to ensure the provision of Transportation Demand Management measures, and an update to the Statutory Right of Way to secure public access to the eight car share parking spaces on the Phase 1 development site as required;
- k) Easement and Section 219 Covenant to secure access to the eight car share parking spaces on the Phase 1 development site in favour of the T5 and T6 lands;
- l) Section 219 Covenant ensuring that any building lighting features can be turned on and off by the owner, and that the owner will turn off any architectural lighting at the City's request in the event that the lighting results in any adverse neighbourhood and/or environmental impacts;
- m) Section 219 Covenant ensuring that the site is constructed and used in accordance with the approved geotechnical study;
- n) Section 219 Covenant restricting commercial uses from having obscured fenestration;
- o) Any easements, SRWs, and Section 219 Covenants as required by the City in respect of access to and the use of on-site pedestrian/vehicular access areas;
- p) Easement and Section 219 Covenant to secure access to and use of the requisite number of commercial parking spaces located on Phase 1 and the surface parking lot on the remainder lands in favour of the T5 and T6 lands; and,
- q) Any necessary updates to Master Plan covenants and/or new Section 219 Covenants to secure requirements, including but not limited to car share stalls, commercial parking stalls, SRW walkway construction, required non-market housing, and the Master Plan density allocation covenant.

The applicant has agreed to this prerequisite in a letter dated March 28, 2025. The requisite statutory Rights-of-Way have been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption, and the remaining requirements above are sufficiently addressed by Covenants or regulations.

8. The Site Disclosure Statement for the site has been submitted and is pending review and approval by the Ministry of Environment and Climate Change Strategy.

The applicant has submitted the required Site Disclosure Statement for the development site and has received an Approval in Principle from the Ministry of Environment and Parks. The applicant has committed to obtaining an appropriate instrument from the Ministry of Environment and Parks prior to release of any Occupancy Permits. The required Covenant governing this arrangement has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.

9. Distribution and posting of area plan notification forms on the development site and in any applicable sales or leasing office prior to Third Reading.

On March 11, 2025, Council approved a recommendation eliminating the requirements for area plan notifications, effective immediately. Therefore, this prerequisite is no longer required.

10. The confirmation of approval of the proposed development from the BC Ministry of Transportation and Infrastructure.

The approval of the Ministry of Transportation to the rezoning bylaw has been obtained.

11. Additional requirements as determined by the City, in its discretion, as part of the review of the development proposal.

The applicant has agreed to this prerequisite in a letter dated March 28, 2025.

As the prerequisite conditions to this rezoning are now completely fulfilled, could you please arrange to return this amendment bylaw to Council for Reconsideration and Final Adoption on June 10, 2025.

E. W. Kozak, GENERAL MANAGER
PLANNING AND DEVELOPMENT