

TO: CITY MANAGER 2006 October 23

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #05-50**
Lot 4 and 5 of New Haven Lands
Townhousing, Heritage Conservation and Conservation Park

ADDRESS: Portion of 4250 Marine Drive, 8600 Roseberry Avenue, and unaddressed City lot at Sussex and Marine Drive

LEGAL: Portion of Parcel "A" (Ref. Plan 7878), DL 164, Group 1, NWD; Lot 2, DL 161, Group 1, NWD Plan 69078; and Parcel "One" (Reference Plan 6910) of Parcel "A" (Reference Plan 941) DL 164, Group 1, NWD

FROM: CD Comprehensive Development District (based on M5 Light Industrial District, B1 Suburban Office District, RM1 Multiple Family District, C1 Community Commercial District, and P3 Park and Public Use District), and R2 Residential District, M3 Heavy Industrial District, and M5 Light Industrial District.

TO: Amended CD Comprehensive Development District (based on RM1 Multiple Family District and the New Haven Conceptual Development Plan and in accordance with the development plan entitled "New Haven – Residential and Heritage" prepared by Ron Allen Architect Inc.), and the P3 Park and Public Use District.

APPLICANT: Ron Allen Architect Inc.
306-4464 West 10th Avenue
Vancouver, BC V6R 2H9
(Attention: Mr. Ron Allen)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2006 November 28.

RECOMMENDATIONS:

1. **THAT** Council authorize the introduction of a Highway Closure Bylaw for the redundant, unopened portions of the Patterson Avenue and Sussex Avenue road rights-of-way for their inclusion with adjacent existing and proposed City park lands, as outlined in this report, contingent upon the granting by Council of Second Reading to the subject Rezoning Bylaw.

To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #05-50
2006 October 23 Page 2

2. **THAT** Council endorse a proposed cost-sharing agreement for works on Marine Drive as outlined in this report and subject to granting of Second Reading by Council to the subject Rezoning Bylaw.
3. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2006 November 06, and to a Public Hearing on 2006 November 28 at 7:30 p.m.
4. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The submission of a suitable plan of development.
 - 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.
 - c. The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
 - d. The undergrounding of overhead wiring abutting the site on the south side of Marine Drive.
 - e. The completion of the necessary subdivision and satisfaction of all arising requirements in accordance with the adopted New Haven Conceptual Development Plan (Subdivision Reference #05-52), as indicated on Sketch #2.
 - f. The granting of any necessary statutory rights-of-way, easements and covenants.
 - g. The dedication of any rights-of-way deemed requisite, including provision for creation of the north and south cul-de-sac roads within the site.
 - h. The provision of a statutory right-of-way and construction of an Urban Trail for public access purposes within the subject townhouse and heritage precinct site to the approval of the Director Engineering.
 - i. The provision of pedestrian walking trails within the proposed conservation park (Lot 5), and the Sussex Avenue right-of-way, with a pedestrian bridge crossing of Sussex Creek and mitigation of tree and other public hazards to the approval of the Director Parks, Recreation and Cultural Services and the Director Engineering.

To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #05-50

2006 October 23 Page 3

- j. The re-establishment of the centre tributaries of Glen-Lyon Creek within a common alignment in an open condition to the approval of the Director Engineering and the Department of Fisheries and Oceans (DFO).
- k. Compliance with the Council-adopted sound criteria, and installation of a 6 foot noise fence and cedar hedge along the south boundary of the subject residential development (Lot 4).
- l. The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding spaces and a commitment to implement the recycling provisions.
- m. Provision of interpretive features for the public trails, heritage elements and environmental features incorporated into the development.
- n. Completion of the Highway Closure Bylaw for redundant portions of the Patterson Avenue and Sussex Avenue road rights-of-way.
- o. The granting of Section 219 Covenants for the following: restricting enclosure of balconies and decks; indicating that project driveway accesses will not be restricted by gates; establishment of minimum flood proofing requirements; assurance of private maintenance of on-site sanitary sewer systems, flood liability, private maintenance of the on-site heritage pond and relocated Glen-Lyon Creek centre tributary. A Section 219 Covenant is also required to govern the use and development of the site in accordance with the Comprehensive Development Plan and Heritage Designation Bylaw.
- p. The retention of identified existing trees on the subject site (Lot 4), their protection by registration of a Section 219 Covenant, submission of a written undertaking to ensure that all site areas identified for preservation of existing trees are effectively protected by chain link fencing during the whole course of site and construction work, and deposit of sufficient monies to ensure the protection of identified existing trees, to be refunded a year after release of occupancy permits, upon satisfactory inspection.
- q. The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, and the granting of a Section 219 Covenant and deposit of monies to guarantee its provision and continuing operation.
- r. The submission of a geotechnical review for Lot 4 regarding the stability of the site to accommodate the proposed development to the approval of the Chief Building Inspector and granting of a Section 219 Covenant respecting the approved report.

- s. The submission of a Heritage Conservation Plan to the approval of the Director Planning and Building and the adoption by Council of a Heritage Designation Bylaw for the protection of the D.C. McGregor House, Heritage Barn and the land features within the Heritage Precinct site in accordance with Section 3.4 of this report.
- t. Transfer of ownership to the City of the proposed Lot 5 for conservation and passive park use purposes in lieu of the applicable Parkland Acquisition Charge.
- u. The deposit of the applicable GVS & DD Sewerage Charge and School Site Acquisition Charge.
- v. 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.

REPORT

1.0 **REZONING PURPOSE**

- 1.1 The purpose of the proposed rezoning bylaw amendment is to permit the development of Lot 4 as the designated residential townhouse and heritage precinct component of the New Haven property consistent with the adopted New Haven Conceptual Development Plan, and to bring the zoning of the designated park lands (Lot 5 and closed road rights-of-way) into conformance with their intended conservation and passive park use.

2.0 **BACKGROUND**

- 2.1 In 2004 April, Council gave final adoption to a City initiated rezoning of the subject New Haven property at 4250 Marine Drive to the CD Comprehensive Development District based on the *New Haven Land Use Framework Plan*. The *New Haven Land Use Framework Plan* was adopted by Council after an extensive public consultation process. In 2005 August, Council gave final adoption to a rezoning application to establish the more detailed *New Haven Conceptual Development Plan* for the property consistent with the previously approved Framework Plan.
- 2.2 Subsequently, on 2005 September 19, Council received the report of the Planning and Building Department concerning the rezoning of the residential townhouse and heritage precinct portion of the New Haven site and authorized the Department to work with the

applicant in the preparation of a suitable plan of development, with the understanding that a further and more detailed report would be submitted at a later date.

- 2.3 The applicant has submitted a plan of development suitable for presentation to a Public Hearing.

3.0 **GENERAL COMMENTS**

3.1 ***Development Concept***

- 3.1.1 The New Haven property is approximately 57 acres in size and is located within the Big Bend area of Burnaby west of the Riverway Sports Complex, north of Marine Way, south of Marine Drive and east of the Patterson Avenue right-of-way, as shown on Sketch #1, ***attached***. The New Haven site is historically significant for the City and the Province and retains significant heritage features from the 1905 McGregor estate including the original house and landscape features as well as features from the 1939 development of the Borstal School which operated on the site to 2001.
- 3.1.2 Consistent with the adopted *New Haven Conceptual Development Plan*, a prerequisite condition of the subject rezoning will be the completion of the subdivision of the overall site (Subdivision Reference #05-52) to create five lots for residential, business centre and park conservation use, as shown on Sketches #1 and #2. Lots 1, 2 and 3 are designated for Business Centre development for office and light industrial uses, and will be the subject of separate amended CD rezoning applications to provide for future Business Centre development. An application has been received and is in process for Lot 2 for the designated business centre use. The subject Lot 4, within the north-west section of the property, is designated for residential and heritage conservation purposes. Lot 5 is designated for park conservation proposes.
- 3.1.3 The subject application involves the amended CD Comprehensive Development District rezoning of the designated residential and heritage precinct portion of the New Haven property to allow for development of 96 strata-titled townhouse units (inclusive of 6 units within 2 existing heritage buildings) on Lot 4 based on the RM1 Multiple Family District, the guidelines contained in the adopted Conceptual Plan, and the submitted comprehensive plan of development. The subject application also involves the rezoning of designated park lands associated with the proposed Lot 5 and road closure areas to the P3 Park and Public Use District. Zoning designations for the subject sites are shown on Sketch #3, ***attached***. The comprehensive plan of development provides for the conservation and residential adaptive re-use of the significant heritage resources on the property associated with the remaining D.C. McGregor House, Heritage Barn and related landscape features within the designated Heritage Precinct site.

3.2 *Park, Conservation and Riparian Areas*

- 3.2.1 Under this application, Lot 5 within the north-east portion of the New Haven property is proposed to be rezoned to the P3 Park and Public Use District consistent with the adopted Concept Plan and transferred to City ownership in lieu of the applicable Parkland Acquisition Charge. This will provide for the protection of the mature mixed ravine forest in this area of the property for habitat conservation and public walking trail purposes. The proposed park site is approximately 8.5 acres in size. This consolidated park lot includes a portion of the unopened Sussex Creek road right-of-way which is proposed to be closed, as outlined below, and an adjacent remnant designated City park parcel located on the south-west corner of Marine Drive and Sussex Avenue. The provision of pedestrian walking trails within the proposed park parcel (Lot 5), and the Sussex Avenue right-of-way together with a pedestrian bridge crossing of Sussex Creek, and mitigation of tree and other public hazards within the proposed park parcel (Lot 5), to the approval of the Director Parks, Recreation and Cultural Services, is a prerequisite condition of this rezoning.
- 3.2.2 The redundant portions of the unopened Patterson Avenue and Sussex Avenue road rights-of-way are proposed to be closed, for inclusion with adjacent existing and proposed City park lands, and rezoned to the appropriate P3 Park and Public Use District for trail purposes and protection of the riparian areas associated with Sussex Creek and Glen-Lyon Creek. This report seeks Council authorization for introduction of the required Highway Closure Bylaw and for inclusion of the closure area with adjacent existing and proposed City park land as indicated on Sketch #2, ***attached***.
- 3.2.3 The riparian areas within the subject property (Lot 4) associated with Sussex Creek, Glen-Lyon Creek and a relocated Glen-Lyon Creek tributary are protected by a riparian covenant and the Department of Fisheries and Oceans (DFO) authorization secured by the developer for required works (see Sketch #4, ***attached***). In total, approximately 15 acres of the overall New Haven site is designated for riparian and park land purposes. It is noted that a 30 m. wide setback is maintained for both Sussex Creek and Glen-Lyon Creek, as well as a 30m wide riparian area is provided for a relocated Glen-Lyon Creek tributary in the development plans to ensure any potential impacts of development are mitigated through provision of these physical buffer areas.
- 3.2.4 A tree survey to identify trees to be retained and those proposed for removal to accommodate site development needs has been completed. Other than required for road works and hazard tree management, significant trees within the Heritage Precinct, the proposed conservation park site (Lot 5), and riparian protection areas are proposed to be retained. The retention of identified existing trees on the subject site (Lot 4) is to be secured by registration of a Section 219 Covenant, submission of a written undertaking to ensure that all site areas identified for preservation of existing trees are effectively protected by chain link fencing during the whole course of site and construction work, and deposit of sufficient monies to ensure the protection of identified existing trees, to be refunded a year after release of occupancy permits, upon satisfactory inspection.

3.3 *Servicing Comments*

- 3.3.1 As a requirement of the subdivision, and in accordance with the adopted Concept Plan, the applicant will provide the required road dedications for the north (New Haven Close) and south (Glen-Lyon Parkway) cul-de-sac roads, and Marine Way improvements. The road network plan precludes any through movements of general vehicle traffic between Marine Drive and Marine Way.

The subdivision (Subdivision Reference #05-52) and subject rezoning will also provide for the completion of the network of walking trails, Urban Trails, cycle roads and pedestrian sidewalk facilities contained within the adopted Conceptual Development Plan. Works include the creation of a central north to south Urban Trail linking Marine Drive to Marine Way, and connecting east to west sections of Urban Trail through the subject townhouse site and parallel to Marine Way. Separated sidewalks are provided for on the north side of Marine Drive, and opposite the Urban Trail sections on the internal road network. Existing and additional recreational walking trails are provided for within the City lands associated with Sussex Creek and Glen-Lyon Creek corridors, within the proposed park site on Lot 5, and in other locations to interconnect primary walking routes.

All Urban Trails, sidewalks, road works and services to the site will be provided for to the approval of the Director Engineering and the Director Parks, Recreation and Cultural Services, and will include, but not necessarily be limited to:

- construction of road widening and separated Urban Trail on the north side of Marine Way, including cycle road provision, a double row of street trees, front and rear boulevards and street lighting;
- modification of the traffic signal at Marine Way and Glen-Lyon Parkway to accommodate the extension of the north leg of Glen-Lyon Parkway into the site;
- construction of the Marine Drive frontage to a finished 8.5 m curb to curb standard, including cycle road provision, separated sidewalk on the north side, front and rear boulevard, street trees and street lighting;
- construction of the north cul-de-sac road (New Haven Close) to a finished 8.5 m curb to curb standard, including separated sidewalk on the west side, Urban Trail on the east side, front and rear boulevard, street trees and street lighting;
- installation of a pedestrian crossing signal at the intersection of Marine Drive and New Haven Close;
- construction of the south cul-de-sac road (Glen-Lyon Parkway) to a finished 15.2 m curb to curb standard, including cycle road provision, separated sidewalk, Urban Trail, front and rear boulevard, double row of street trees and street lighting;
- completion of Urban and pedestrian trail connections; and
- provision and upgrade of storm, sanitary sewer and water mains as required.

- 3.3.2 The Director Engineering has proposed to provide a cost share contribution for works to be completed by the developer related to the replacement cost of the Marine Drive water main and design and construction of the Marine Drive cross-culvert inlet structure for Sussex Creek. The proposed cost share contribution and agreement will be the subject of a further report to be submitted by the Director of Engineering following completion of the engineering design and final cost estimate. However, Council concurrence as to the general principle involving a cost share for the aforementioned services is being sought at this time.

3.4 *Heritage Comments*

- 3.4.1 The subject site (Lot 4) includes the designated Heritage Precinct area which contains the significant buildings and landscape features associated with the original McGregor Estate "Glen-Lyon" established on the property circa 1905. The proposed adaptive re-use of the protected heritage buildings includes conversion of the Heritage Barn structure for two residential units, and incorporation of four residential units, common amenity and meeting space within the designated D.C. McGregor House. Locker storage spaces are provided in the basement of the Heritage House. Public access, interpretation and enjoyment of the Heritage Precinct have been provided for through the provision for an east-west Urban Trail on a statutory right-of-way through the Heritage Precinct with integrated interpretative elements for the protected heritage buildings and landscapes, environmental features and trail network associated with the site. A companion report addressing the preservation of the subject buildings is being submitted to the Heritage Commission for their consideration of advancing a Heritage Designation Bylaw to Council for approval. It is noted that the report proposes to advance the Heritage Designation Bylaw to a Public Hearing on 2006 November 28 (the same Public Hearing date as for the subject rezoning bylaw amendment).
- 3.4.2 The significant community heritage features associated with the D.C. McGregor House, Heritage Barn and associated landscape features are to be protected through the subject CD Rezoning Bylaw, the required Heritage Designation Bylaw and related Section 219 Covenants, insurance requirements, and the requisite property security provisions during the course of City approvals and construction. A condition of the subject rezoning to ensure conservation of heritage resources includes the submission of detailed conservation, restoration, and building plans for the exterior and related structural and service infrastructure for the D.C. McGregor House, the Heritage Barn, and related Heritage Precinct landscape plans, and the deposit of monies to secure completion and one year maintenance of specified works.
- 3.4.3 The site development plan has been structured to preserve and protect views to and from the D.C. McGregor House through the incorporation of heritage forecourts and court yard areas along the north-south view corridor. New townhouse units are designed to overlook the court yard areas which include passive garden and outdoor space connected by a series of walkways. Additional garden amenities, walkways and

playground areas have been incorporated into the heritage precinct in association with the Heritage Barn and existing pond.

3.5 Stormwater Management

A comprehensive stormwater management plan along with all required approvals, Section 219 Covenants, and bonding for installation and maintenance of the facilities and associated landscaping for Lot 4 will be secured as a condition of the subject rezoning. The development plan for the subject site includes provision of landscaped bio-filtration ponds and swales. The stormwater management plan is to be to the approval of the Director Engineering and is to conform to the requirements specified in the DFO authorization issued for the site.

3.6 Development Cost Charges

The GVS&DD Sewerage Charge (Fraser Sewerage Area) of \$0.811 per sq.ft. of gross floor area, and the School Site Acquisition Charge of \$1,000 per unit will apply to this rezoning.

3.7 Car Wash/Recycling Provisions

Provision has been made for the required covered car wash stall and adequately sized and appropriately located garbage handling and recycling material holding spaces.

3.8 Easements/Covenants

Any necessary easements and covenants for the site are to be provided, including, but not necessarily limited to, Section 219 Covenants restricting enclosure of balconies and decks; indicating that project driveway accesses will not be restricted by gates; respecting flood proofing requirements and private maintenance of on-site sanitary sewer systems, flood liability, and private maintenance of the on-site heritage pond and relocated Glen-lyon Creek centre tributary. A Section 219 Covenant is also required to govern the use and development of the site in accordance with the Comprehensive Plan of Development and Heritage Designation Bylaw.

3.9 Acoustic Study

Due to the proximity of the subject site to Marine Way and Marine Drive, the applicant is required to provide an acoustical study showing that the proposed development would meet the Council-adopted noise criteria.

3.10 Sediment Control

An on-site sediment control system is a requirement of Preliminary Plan Approval and must be approved by the Environmental Services Division - Engineering Department.

3.11 Geotechnical Review

A geotechnical review of the subject site's soil stability and registration of a Section 219 Covenant regarding the findings of the approved report will be required.

4.0 DEVELOPMENT PROPOSAL

4.1 Site Area:

Lot 4 (Residential Development Site)

Gross	-	5.43 ha (585,327 sq. ft.)
Dedications	-	3,139 m ² (33,788 sq. ft.)
Net Site Area	-	5.12 ha (551,539 sq. ft.)

Lot 5 (Conservation/Park Site)	-	3.43 ha (368,698 sq. ft.)
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Closed Road Right-of-way for Conservation/Park


Patterson Avenue	-	7499 m ² (80,721 sq. ft.)
Sussex Avenue	-	3,380 m ² (36,383 sq. ft.)
Total Closed R/W	-	10,879 m ² (117,104 sq. ft.)

The following statistics refer to Lot 4 only:

4.2	Site Coverage	-	18%
4.2	Floor Area Ratio: Permitted & Provided:	-	0.327 FAR (180,406 sq.ft.)/96 units <small>* 6 units excluded as part of Heritage conservation in Heritage Precinct.</small>
4.3	Building Height:	-	2½ storey townhouses and 4 storey heritage house
4.4	<u>Unit Mix</u> Townhouses:	-	90 units
	Heritage House:	-	4 units
	Heritage Barn:	-	2 units
	Total Units	-	96 units
	Unit Density	-	18.75 u.p.h. (7.59 u.p.a.)
4.5	<u>Parking:</u> Required:		
	96 Residential units @ 1.75 spaces/unit		

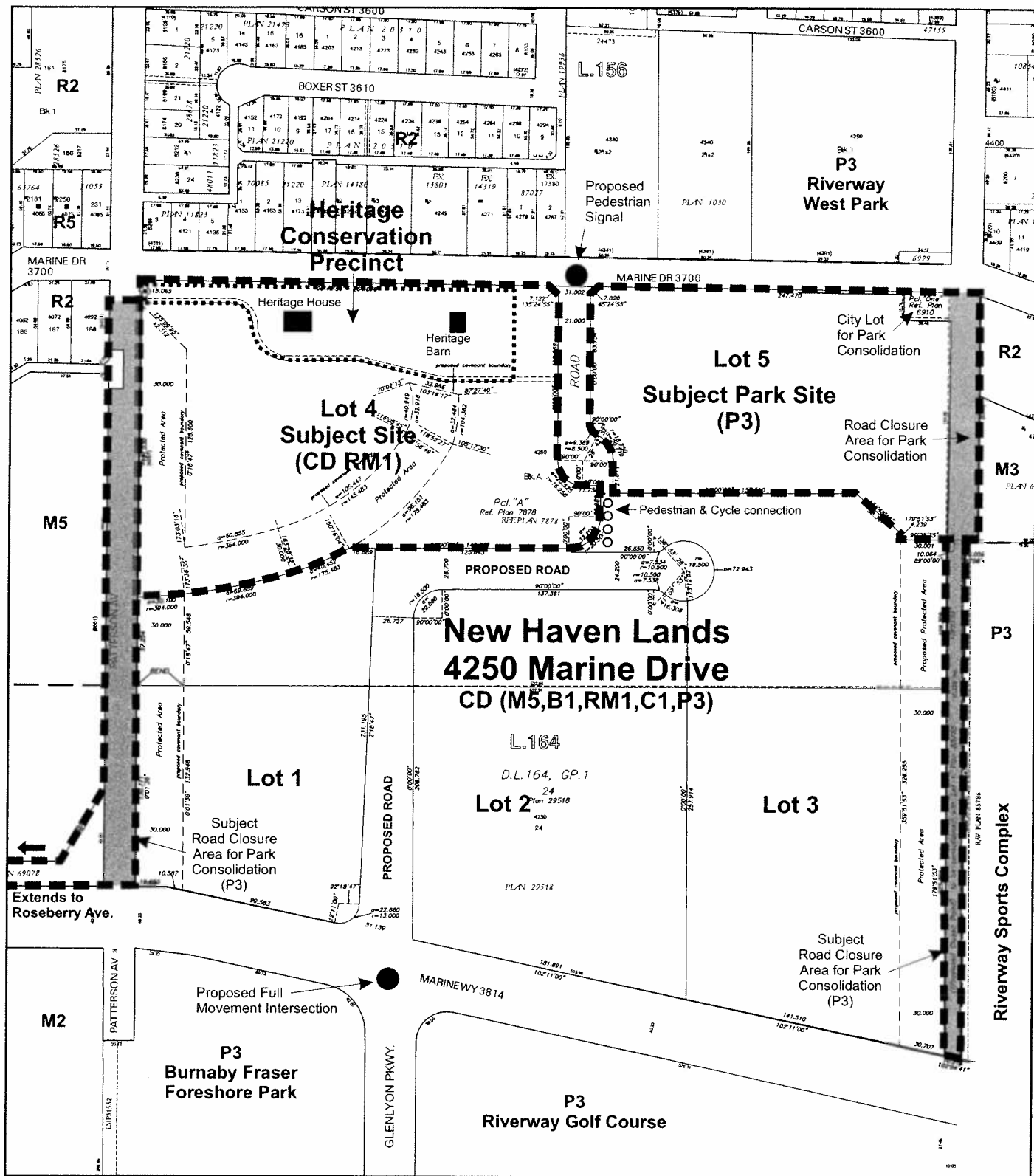
To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #05-50
2006 October 23 Page 11

- Total Required:** - **168 spaces** - of which 24 spaces are for visitors
- Total Provided:** - **192 spaces** - of which 24 spaces are for visitors (including 72 tandem spaces for 2 cars credited as 1.5 spaces per unit)
- 4.6 Car Wash Stalls - 1 stall required/provided
- 4.7 Bicycle Parking:
Resident:
Townhouses: 96 units @ 1/unit - 96 spaces (1 in each garage or storage space)
- Visitors:
168 parking spaces @ 0.1/space - 18 bike rack spaces
- 4.8 Communal Facilities: - Children's play areas, heritage house common amenity area, heritage forecourts and gardens, storage locker space.


B. Luksun
Director Planning and Building

EK:gk
Attach

cc: Director Engineering
Director Parks, Recreation and Cultural Services
City Solicitor
City Clerk
Chief Building Inspector
Director Finance



Date: August 2006

Scale: NTS

Drawn By: DWD



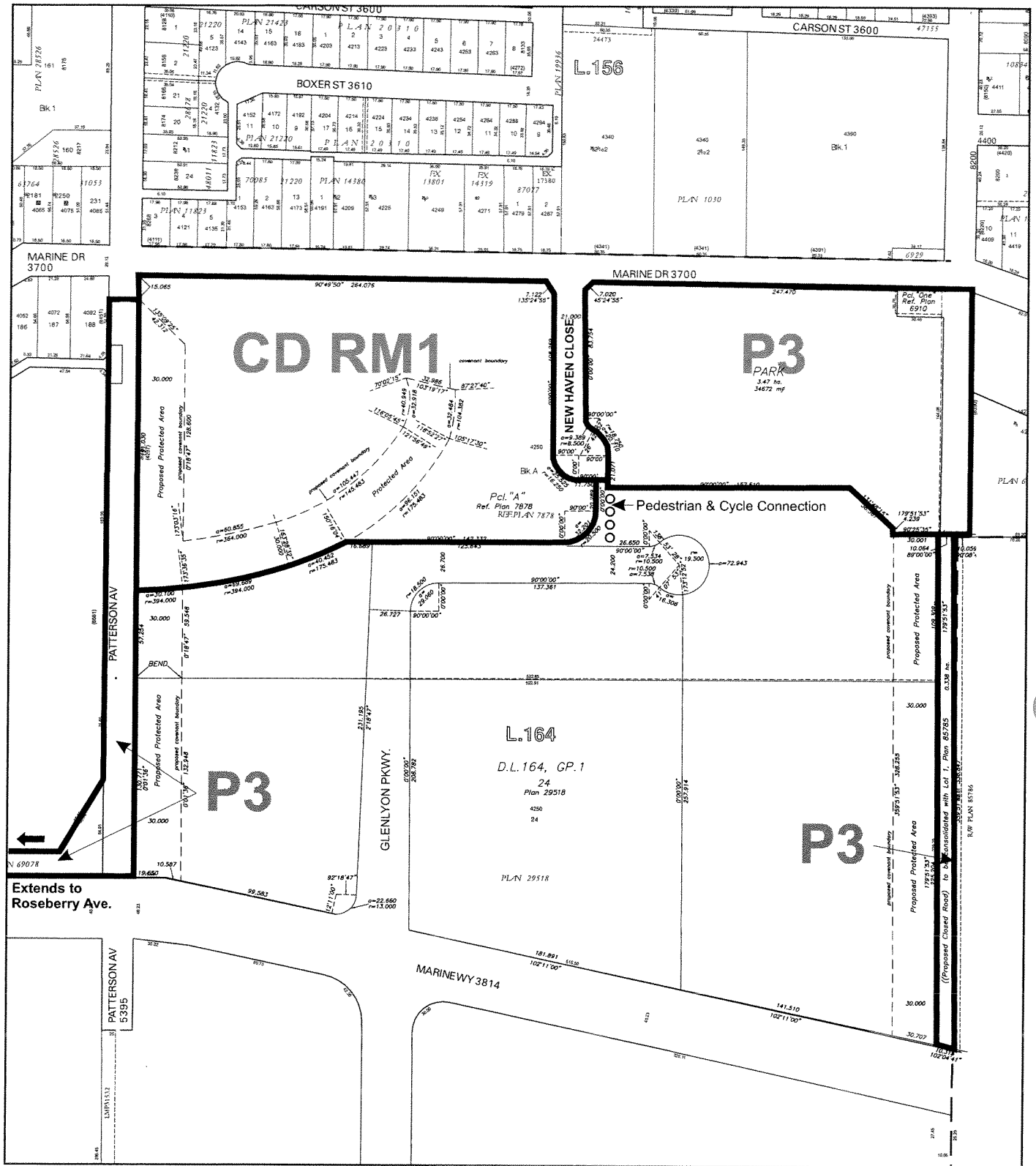
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Burnaby
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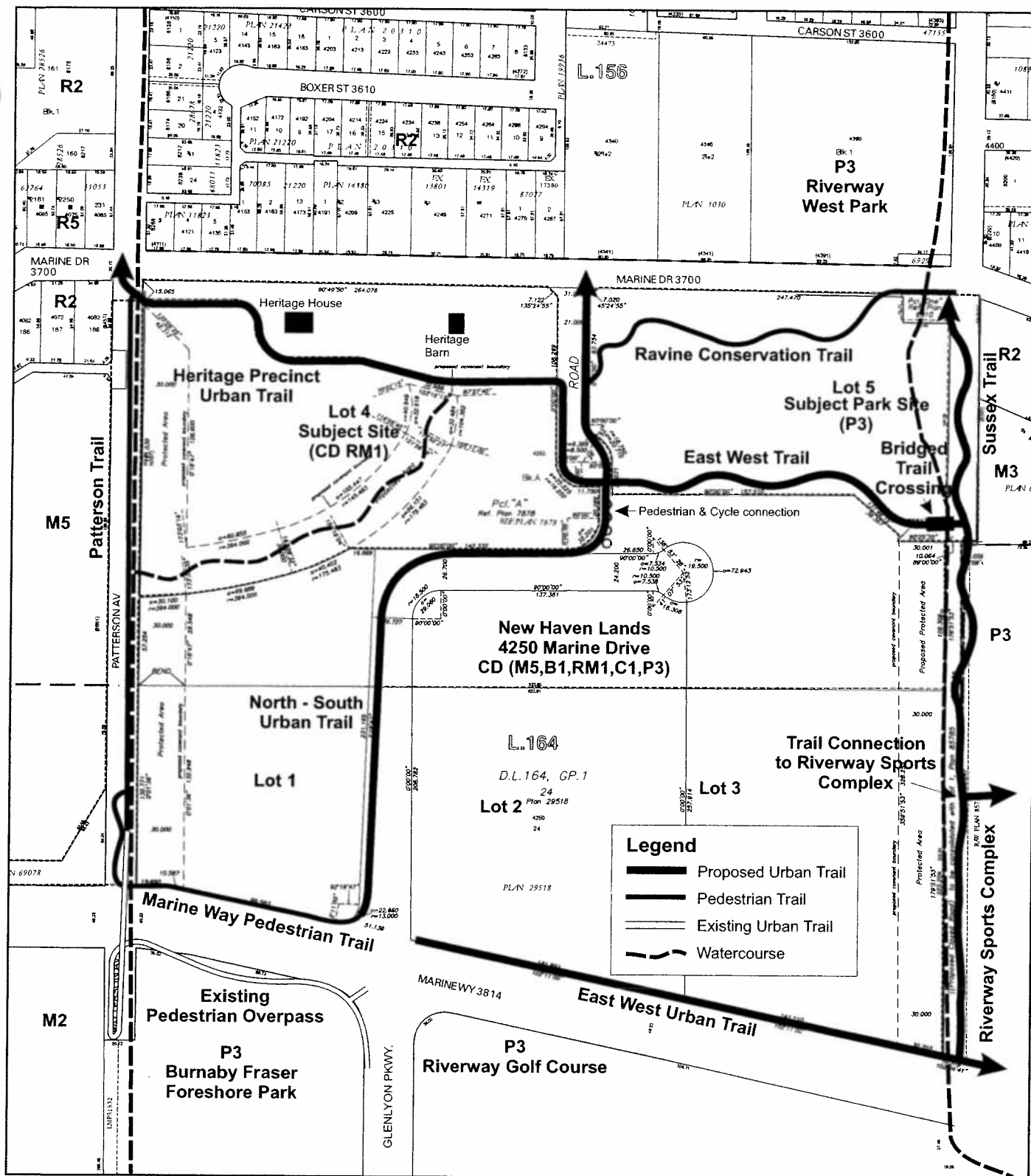
Rezoning Reference #05-50

Portion of 4250 Marine Drive - Subject Sites

Sketch 1



Date:	August 2006	 <p>City of Burnaby Planning & Building Dept.</p> <p>Proposed Rezoning Designations (Subject Sites)</p>	 <p>Sketch 3</p>
Scale:	NTS		
Drawn By:	DWD		



Date: August 2006

Scale: NTS

Drawn By: DWD



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Rezoning Reference #05-50

Portion of 4250 Marine Drive
- Watercourses and Urban Trails



Sketch 4

