



Item.....
Meeting.....2009 March 2

COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2009 February 24

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 49500 20  
*Reference: Rez# 09-02*  
*X-Ref: 22000.01 YDC*

**SUBJECT: REZONING REFERENCE #09-02**  
**3405 WILLINGDON AVENUE**  
**Proposed Comprehensive Development Guidelines Rezoning &**  
**Burnaby Zoning Bylaw P6 Regional Institutional District Text Amendment**

**PURPOSE:** To seek Council authorization to forward the subject rezoning application and associated text amendment to a Public Hearing on 2009 March 24.

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**RECOMMENDATIONS:**

1. **THAT** a bylaw amending the Burnaby Zoning Bylaw, as outlined in Section 4.2 of this report, be prepared and advanced to First Reading on 2009 March 9, and to a Public Hearing on 2009 March 24 at 7:30 p.m.
2. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2009 March 9, and to a Public Hearing on 2009 March 24 at 7:30 p.m.
3. **THAT** the following be established as prerequisites to the completion of the rezoning:
  - a) The submission of a suitable plan of development, including the guidelines outlined in Attachment 'A' **attached** to this report.
  - b) The approval of the Ministry of Transportation to the rezoning application.
4. **THAT** a copy of this report be sent to:
  - a) The BC Buildings Corporation, c/o Accommodation and Real Estate Services, Ministry of Labour and Citizens' Services, Attn: Property Tax Analyst, 21-3318 Oak Street, Victoria BC, V8X 1R1;
  - b) The Honourable John van Dongen, Minister of Public Safety and Solicitor General, PO Box 9053, STN PROV GOVT, Victoria, BC, V8W 9E2; and
  - c) Tedd Howard, Deputy Provincial Director, Capital Projects (Ministry of Public Safety and Solicitor General); A.O. (Bert) Phipps, Assistant Deputy Minister

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(Ministry of Public Safety and Solicitor General); and Greg Steves, Director,  
Strategic Real Estate Partnerships (Ministry of Labour and Citizens' Services).

## REPORT

### 1.0 GENERAL INFORMATION

- 1.1 Applicant:** City of Burnaby  
4949 Canada Way  
Burnaby, B.C. V5G 1M2
- 1.2 Subject:** Application for the rezoning of:  
Lot 1, D.L. 71, Plan LMP12752
- From:** P6 Regional Institutional District
- To:** CD Comprehensive Development District (based on P6  
Regional Institutional District and B2 Urban Office District  
guidelines and in accordance with the comprehensive  
development plan entitled "3405 Willingdon Avenue" and  
"Attachment A – Development Guidelines", dated 2009  
February 24, prepared by the City of Burnaby)
- 1.3 Address:** 3405 Willingdon Avenue
- 1.4 Location:** The property is located at the southwest corner of Willingdon Avenue  
and Canada Way (see Sketches #1 and #2 attached).
- 1.5 Size:** The site is irregular in shape and has an area of 16.3 hectares (40.3  
acres) and frontages of 345 m (1,132 ft.) and 514 m (1,685 ft.) on  
Canada Way and Willingdon Avenue respectively.
- 1.6 Services:** No servicing is applicable to this application.
- 1.7 Rezoning Purpose:** The purpose of the proposed rezoning bylaw amendment and  
associated text amendment is to provide a basis for future amendment  
CD rezoning approval for new development or change of use and to  
permit existing conforming uses and development on the subject site;  
and to regulate the location of prisons and reformatories in the City.

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## **2.0 NEIGHBOURHOOD CHARACTERISTICS**

2.1 The subject site at 3405 Willingdon Avenue is located at the southwest corner of Canada Way and Willingdon Avenue (see Sketches #1 and #2 ***attached***). The site is currently zoned P6 Regional Institutional District. To the south and west of the subject site is the Discovery Place Community Plan area, which is now substantially developed with research and development facilities. To the north across Canada Way are office/industrial developments, with the Grand Villa Casino complex beyond. The British Columbia Institute of Technology (BCIT) is located to the east of the subject site, while Willingdon Green Business Centre and Canada Way Business Park are located beyond to the northeast. Vehicular access to the subject site is currently available from Willingdon Avenue.

## **3.0. BACKGROUND INFORMATION**

- 3.1 In 2005, the Provincial government announced plans to relocate the Burnaby Youth Custody Service facility, Youth Forensic Psychiatric Services, and Provincial Services Administration – all at the time housed at the subject site – to the former Burnaby Women’s Correctional Facility in the Big Bend area. Upon this announcement, the BC Buildings Corporation, the owner of the subject site, initiated preliminary discussions with the Planning Department on appropriate future uses of the subject site. At that time, no indication was given regarding the potential for development of a prison on the site.
- 3.2 On 2008 August 15, without consultation with the City, the Provincial government announced plans to replace the former Youth Custody Service facility at the subject site with a new adult prison. The prison is intended to accommodate a growing male prison population and is proposed to have up to 360 cells and 700 inmates, subject to Provincial development phasing and funding. The first phase of the prison is planned to have 180 cells and 360 inmates and is proposed to be opened by 2012.
- 3.3 In response to this announcement, the Mayor publicly expressed his opposition to the proposed prison and also advised the Minister of Public Safety and Solicitor General of his concerns and objections. At the open Council meeting of 2008 August 25, Council expressed its opposition to the development of a prison on the subject site and requested a staff report on the proposed new prison facility. On 2008 September 25, City staff met with Provincial representatives to discuss the proposed prison facility, at which time, Council’s stated concerns and opposition were reiterated by City staff. On 2008 October 7, City staff met with Provincial staff and toured the North Fraser Pretrial Centre in Port Coquitlam, the “model prison” on which the Willingdon facility would be based, to gather further information for the requested staff report.

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3.4 On 2009 January 12, Council received the report of the Planning and Building Department which outlined issues and concerns regarding the proposed prison facility on the subject site. Key concerns detailed in the report included the following:

- The Province's plan to construct a new prison facility at the subject site was announced without prior consultation with the public or affected stakeholders.
- The proposed prison at the Willingdon site is not served by a proximate courthouse facility.
- A prison facility at the subject site would not be in keeping with the surrounding research, high tech, office, commercial, and post-secondary development in the area.
- The proposed prison is not supportive of the City's community planning and economic development objectives for the area.
- The proposed prison would be located near numerous community facilities, including schools, churches, child care facilities, a recreation centre, and a hospital. Residential uses are also located nearby.

It is also the view of the Burnaby RCMP Officer-in-Charge that the proposed prison would create additional demands for service from, and draw upon the resources of, the Burnaby RCMP.

Council concurred with the issues and concerns raised and adopted a formal motion in opposition to the proposed prison development on the site. Council also called on the Provincial government to find an alternate appropriate location for the proposed prison. A copy of the report was sent to the Minister of Public Safety and Solicitor General, Burnaby Members of the Legislative Assembly, senior Provincial representatives, and Burnaby property owners and businesses in the vicinity of the proposed prison development.

3.5 The Minister of Public Safety and Solicitor General has stated that the Province intends to pursue construction of the new prison despite Council's opposition and request to find an alternate appropriate location for the facility. Council, at its meeting of 2009 February 16, passed a motion to initiate a rezoning of the subject site to preclude the development of a new prison and to establish guidelines for future suitable use and development of the site that are consistent with City objectives and the site's locational context.

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#### 4.0 GENERAL DISCUSSION

4.1 The Willingdon/Canada Way area is a designated business centre in Burnaby, with leading edge research and high tech companies, office and commercial development, and a post-secondary education facility. The site is also located in close proximity to schools, churches, child care facilities, a recreation centre, a hospital, and residential areas. Willingdon Avenue is an important transportation corridor, linking the Brentwood Town Centre to the north and the Metrotown Regional Town Centre to the south. Both Town Centres are developed with high-density retail and office facilities, have a high-density residential population, and are served by rapid transit. Within this context, the proposed Provincial prison at the subject site is considered highly incompatible from a land use perspective.

4.2 Given the significant land use, community, and social impacts of the proposed Provincial prison, and prisons in general, this report proposes a text amendment for the Burnaby Zoning Bylaw with respect to the manner by which prison and reformatory uses are permitted. In general, it is proposed that each future prison or reformatory development proposal be considered on its own merits to ensure a high level of control and confidence in locating such uses within the community. To achieve this, it is proposed that “prisons” and “reformatories” be deleted as outright permitted uses in the P6 District, and established within a new P6‘a’ zoning sub-category. This would allow for the regulation of prisons and reformatories as separate and distinct permitted uses. It is also proposed that these uses be subject to development under the CD (Comprehensive Development) District and included as part of a comprehensive development plan. These proposed amendments to the Burnaby Zoning Bylaw would require all applicants for new prison and/or reformatory facilities to seek Council approval through the rezoning process.

Upon final adoption of the proposed Burnaby Zoning Bylaw text amendment, the existing Burnaby Youth Custody Centre at 7900 Fraser Park Drive in the Big Bend Community Plan Area would become legally non-conforming. As the Youth Custody Centre is an approved, existing development in Burnaby, appearing elsewhere on this Council agenda is a City-initiated application to concurrently rezone this development to the proposed CD(P6‘a’) District. This would bring the existing development into conformance with the proposed P6‘a’ District for prisons and reformatories.

4.3 The subject rezoning application is proposed to ensure that future development of the subject site at 3405 Willingdon is complementary with surrounding development and land uses, and consistent with the objectives articulated in the City’s *Economic Development Strategy*. As noted in the report to Council on the proposed prison development of 2009 January 12, appropriate land uses for the site could include:

- *High tech industries and head office uses;*

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- *Vocational and post-secondary education facilities and services, including possible future expansion of BCIT;*
- *Health and community services, including medical and hospital services, public health, continuing care and seniors' services, mental health and addiction services, and combined emergency/transitional housing that incorporates appropriate support services; and*
- *Supporting accessory land uses of higher intensity and economic opportunity, such as commercial, mixed-use, and residential uses.*

Future redevelopment is envisioned to entail subdivision of the site into discrete development parcels to accommodate the various land uses described above. A new spine road traversing the site and connecting a new intersection at Canada Way and Sumner Avenue with an upgraded intersection at Willingdon Avenue, approximately mid-block, would be sought. Additional minor roads could provide for internal circulation. In keeping with the green, campus-like development of Discovery Parks to the south and west, a generous covenanted buffer along the south, southwest, and west sides of the site would be sought. A conservation buffer along Sumner Creek, which traverses the westerly portion of the site, would also be required. Generous landscaped building setbacks from Canada Way and Willingdon Avenue, and road widening dedications and improvements along both roads, would be required.

To allow for this potential development and to recognize existing conforming P6 uses and development on the subject property – and consistent with Council's motion of 2009 February 16 – it is recommended that the property be rezoned to the Comprehensive Development District (based on P6 Regional Institutional District and B2 Urban Office District guidelines and in accordance with the comprehensive development plan entitled "3405 Willingdon Avenue" and "Attachment A – Development Guidelines", dated 2009 February 24, prepared by the City of Burnaby). In line with the P6 and B2 Districts, a maximum overall floor area ratio of 1.50 would apply to the net site. An amendment to the CD zoning would be required in the future for any significant change of use of the site or for any new development. Specific land uses, densities, and project design would be considered at that time.

The rezoning would protect the development potential of the site for institutional and business centre uses, and bring the site in line with the general development guidelines established for Discovery Place to the south and west and Willingdon Green Business Centre and Canada Way Business Park to the northeast.

4.4 Approval from the Ministry of Transportation is required for this rezoning.

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4.5 Servicing requirements arising from future rezoning applications to establish specific land uses, densities, and project design for the site will be determined by the Director Engineering and will include, but not necessarily, be limited to:

- Provision of a new internal road configuration and new or upgraded intersections with Canada Way and Willingdon Avenue;
- Pavement widening, separated sidewalks, boulevard grass and trees, and street lighting on Canada Way and Willingdon Avenue; and
- Storm, sanitary sewer and water main upgrades as required.

4.6 Future redevelopment of the subject site would require the following road dedications:

- 5.3 m to 12.5 m dedication on Canada Way;
- 5 m to 10 m dedication on Willingdon Avenue; and
- 3 m x 3 m NE corner truncation.

4.7 Future redevelopment of the site will also require:

- The undergrounding of overhead wiring abutting the site;
- A Section 219 Covenant for a 15 m conservation buffer along the south, southwest, and west sides of the site;
- A Section 219 Covenant for a conservation buffer along the portion of Sumner Creek which traverses the site;
- An on-site Storm Water Management Plan and related Section 219 Covenant;
- The submission of a Site Profile and resolution of any arising conditions; and
- A suitable engineered design for an approved sediment control program.

## 5.0 CONCLUSION

5.1 The proposed Provincial prison at the subject site is neither compatible with surrounding development and land uses, nor consistent with the objectives established in the City's *Economic Development Strategy*. The proposal has also drawn significant attention to

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the potential impact prisons may have on the surrounding community. It is therefore recommended that “prisons” and “reformatories” be deleted as permitted uses in the P6 District, and established as distinct, permitted uses in a new P6‘a’ zoning sub-category. These Zoning Bylaw amendments would effectively require all applicants for a new prison or reformatory facility to seek Council approval through the rezoning process, allowing for specific Council consideration in the approval and location of any proposed future prisons and reformatories within the community.

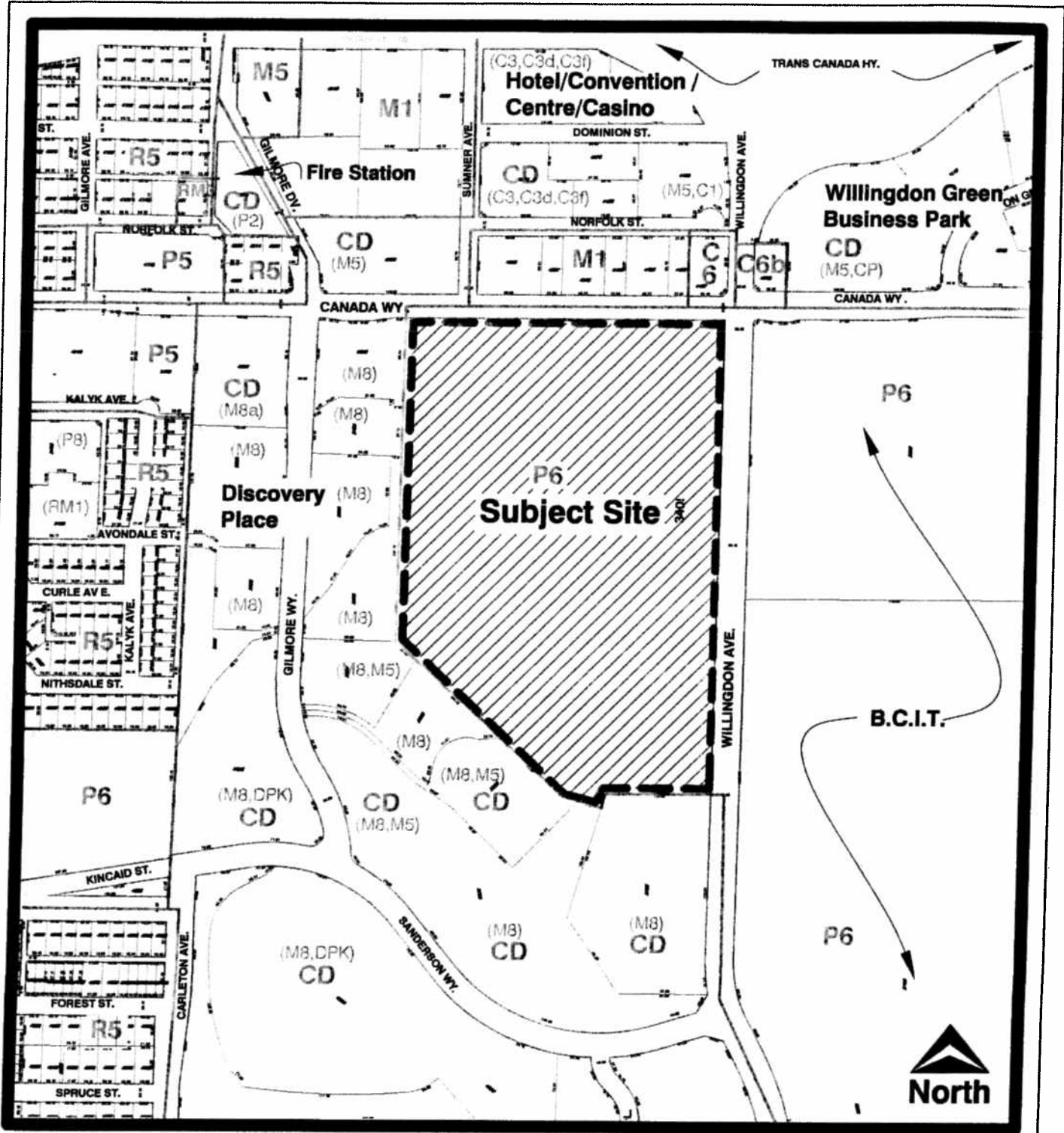
The subject application provides an appropriate means to manage the future use and development of the subject site at 3405 Willingdon Avenue through rezoning of the property to the CD Comprehensive Development District (based on P6 Regional Institutional District and B2 Urban Office District guidelines and in accordance with the comprehensive development plan entitled “3405 Willingdon Avenue” and “Attachment A – Development Guidelines”, dated 2009 February 24, prepared by the City of Burnaby). Upon final adoption of the subject rezoning bylaw proposal, any significant change of use or new development on the subject site would be subject to Council approval through a future amendment CD rezoning application.

  
B. Luksun  
DIRECTOR PLANNING AND BUILDING

KH:gk  
*Attachments*

cc: City Clerk  
City Solicitor  
Deputy City Manager  
Director Engineering  
Director Finance  
Director Parks, Recreation and Cultural Services  
Fire Chief  
Officer-in-Charge RCMP





**Planning and Building Department**

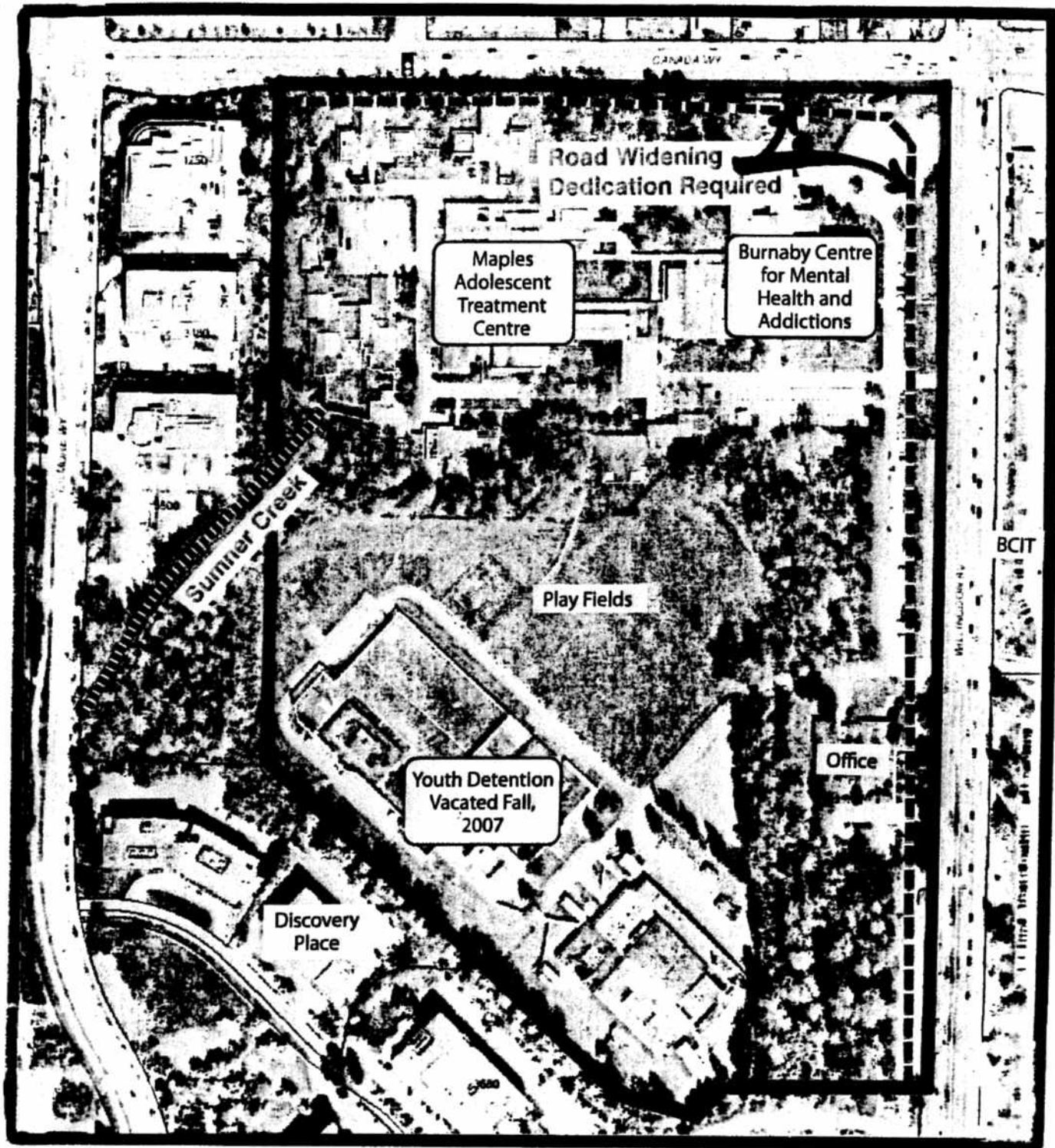
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Drawn By: J.P.C.

Date: March 2009

**REZONING REFERENCE # 09 -- 02**  
 3405 Willingdon Ave.

Sketch # 1



**Planning and Building Department**

**Scale: N.T.S.**

**Drawn By: J.P.C.**

**Date: March 2009**

**REZONING REFERENCE # 09 -- 02**

**3405 Willingdon Ave.**

**Sketch # 2**

# ATTACHMENT A

## Development Guidelines

2009 February 24

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<b><u>Address:</u></b>	3405 Willingdon Avenue
<b><u>Legal:</u></b>	Lot 1, D.L. 71, Plan LMP12752
<b><u>Gross Site Area:</u></b>	16.3 hectares (40.3 acres)
<b><u>Zoning:</u></b>	CD Comprehensive Development District (based on P6 Regional Institutional District <sup>1</sup> and B2 Urban Office District guidelines)
<b><u>Uses Permitted:</u></b>	<ul style="list-style-type: none"><li>- High tech industries and head office uses.</li><li>- Vocational and post-secondary education facilities and services.</li><li>- Health and community services, including medical and hospital services, public health, continuing care and seniors' services, mental health and addiction services, and combined emergency, transitional and supportive housing, with support services.</li><li>- Supporting accessory land uses, such as commercial, mixed-use, and residential uses. Such accessory use details to be determined in conjunction with future, detailed amendment rezoning applications.</li></ul>
<b><u>Floor Area Ratio:</u></b>	1.50 FAR maximum
<b><u>Lot Coverage:</u></b>	50%
<b><u>Height of Buildings:</u></b>	4 storeys (higher terraced buildings possible in conjunction with future, detailed amendment rezoning applications)
<b><u>Yards:</u></b>	In accordance with B2 District regulations, conservation buffer requirements, and future detailed amendment rezoning applications.
<b><u>Off-Street Parking &amp; Loading:</u></b>	In accordance with Schedules VIII and IX of the Burnaby Zoning Bylaw
<b><u>Bicycle Facilities:</u></b>	<ul style="list-style-type: none"><li>- Bicycle storage area and end of trip facilities required for major institutional or office development over 43,000 sq. ft.</li><li>- Visitor bicycle racks.</li></ul>

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<sup>1</sup> It is noted that all P6 District uses are permitted, with the exception of prisons and reformatories, which are proposed to be permitted in the P6'a' District only.

### **Preliminary Servicing Guidelines:**

Engineering Servicing to include, but not necessarily, be limited to:

- Provision of a new internal road configuration and new or upgraded intersections with Canada Way and Willingdon Avenue;
- Pavement widening, separated sidewalks, boulevard grass and trees, and street lighting on Canada Way and Willingdon Avenue; and
- Storm, sanitary sewer and water main upgrades as required.

Road Dedications:

- 5.3 m to 12.5 m dedication on Canada Way;
- 5 m to 10 m dedication on Willingdon Avenue; and
- 3 m x 3 m NE corner truncation.

Covenants, Environmental & Other Requirements:

- The undergrounding of overhead wiring abutting the site;
- A Section 219 Covenant for a 15 m conservation buffer along the south, southwest, and west sides of the site;
- A Section 219 Covenant for a conservation buffer along the portion of Sumner Creek which traverses the site;
- An on-site Storm Water Management Plan and related Section 219 Covenant;
- The submission of a Site Profile and resolution of any arising conditions;
- A suitable engineered design for an approved sediment control program; and
- Any applicable Cost Charges.

KH