

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **STATUTORY RIGHTS OF WAY FOR THIRD-PARTY UTILITIES ON CITY-OWNED SITES**
PURPOSE: To seek Council approval to grant Statutory Rights-of-Way over City-owned sites to facilitate the installation of third-party utility infrastructure required to service these sites.

RECOMMENDATION

THAT the granting and execution of any necessary Statutory Rights of Way over those City-owned sites (see Attachment 1) in this report titled “Statutory Rights of Way for Third-Party Utilities on City-Owned Sites”, dated February 12, 2024, in favour of third-party utility providers to install infrastructure required to service the sites, be authorized.

1.0 POLICY SECTION

The granting and execution of these Statutory Rights of Way are aligned and supported by the following Council-adopted policies and plans:

- Corporate Strategic Plan (2022); and
- Official Community Plan (1998).

2.0 BACKGROUND

Council approval is required for the granting and execution of any Statutory Rights of Way (SRW) over City-owned land. In recent years, there has been a steady increase in the number of development projects on City-owned sites. These projects include new civic facilities and non-market rental housing developments, all of which require one or more SRW in favour of third-party utilities, such as BC Hydro, Fortis, TELUS, and Rogers, to permit the installation, operation, repair and maintenance of utility infrastructure required to service the facilities and developments on site.

In previous instances where the granting of a SRW to a third-party utility provider was required to facilitate the development of a City-owned site, staff brought forward separate, stand-alone reports for the SRW required for each site. Recent examples include reports on April 3, 2023 (Item 6.3) and September 25, 2023 (Item 6.8) for a non-market housing project at 8305 11th Avenue and the new Fire Hall 4 site at 1556 Greystone Drive (1600 Greystone Drive), respectively.

3.0 GENERAL INFORMATION

Currently, several important projects on City-owned sites, including non-market rental housing and civic projects, require third-party utility SRW in order to service the projects prior to completion and occupancy. This report seeks Council approval to grant the necessary SRW in favour of third-party utility providers over these City-owned sites (see Attachment 1: List of City-Owned Properties Requiring Third-Party SRW). Attachment 1 includes the civic address, parcel identifier number (PID), legal description for each City property, as well as a brief description of the proposed development project. Attachment 2 provides sketches of the site areas.

Staff in the Legal, Engineering, Lands & Facilities, and Planning and Development Departments will work with the necessary third-party utility providers to finalize the terms of the applicable SRW agreement(s). Staff will ensure that the standard City terms for SRW, including terms and conditions that protect the City’s right to build, install, develop and use infrastructure, amenities, facilities, or improvements on all or any part of the lands outside the applicable SRW area or area of the SRW works, will be included in each SRW agreement.

Where it is not possible to restrict the granting of a SRW to a defined area, or where the exact area required for the third-party utility infrastructure cannot be determined at the time the SRW agreement is registered, a blanket SRW will be granted. Where feasible, following the installation of the third-party utility infrastructure, the SRW area will be surveyed and the granting of the SRW will be restricted to the immediate area required to accommodate and maintain the required third-party infrastructure as defined by a survey plan.

Where the third-party utility infrastructure is required to service the development on the City-owned site, staff will not request compensation from the third-party utility provider for the granting of the required SRW.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

No community engagement or notification is required as part of this SRW approval request.

5.0 FINANCIAL CONSIDERATIONS

There will be no additional City costs associated with the preparation and execution of these SRWs.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – List Of City-Owned Properties Requiring Third-Party SRW
Attachment 2 – Site Sketches of City-Owned Properties

REPORT CONTRIBUTORS

This report was prepared by Chun Nam Law, Strategic Initiative Planner, and reviewed by Jennifer Wong, Assistant City Solicitor, Karin Hung, Director Strategic Initiatives, and Jesse Dill, Director Development.

Attachment 1 – List Of City-Owned Properties Requiring Third-Party SRW

NON-MARKET HOUSING SITES

- **REZ 20-12 – Non-Market Multiple-Family Development with a Childcare Facility**

ADDRESS	PID	LEGAL DESCRIPTION
4803 Canada Way	032-013-647	Lot 1, DL 74, Group 1, NWD Plan EPP118300

Project Purpose: To permit the development of a non-market housing project for women and children, a child care facility, and small accessory office.

- **REZ 20-15 – Non-Market Seniors’ Housing Development**

ADDRESS	PID	LEGAL DESCRIPTION
5912 Sunset Street	012-409-511	Lot 28, DL 80, Group 1, NWD Plan 1892
5924 Sunset Street	012-409-545	Lot 29, DL 80, Group 1, NWD Plan 1892
5938 Sunset Street	012-409-618	Lot 30, DL 80, Group 1, NWD Plan 1892
5946 Sunset Street	012-409-669	Lot 31, DL 80, Group 1, NWD Plan 1892
5958 Sunset Street	012-409-707	Lot 32, DL 80, Group 1, NWD Plan 1892
5968 Sunset Street	012-409-138	Lot 7, DL 80, Group 1, NWD Plan 1891
5978 Sunset Street	012-409-146	Lot 8, DL 80, Group 1, NWD Plan 1891
5988 Sunset Street	012-409-189	Lot 9, DL 80 Group 1, NWD Plan 1891
5907 Kincaid Street	002-842-351	Lot 37, DL 80, Group 1, NWD Plan 1892
5919 Kincaid Street	002-840-910	Lot 36, DL 80, Group 1, NWD Plan 1892
5931 Kincaid Street	001-775-219	Lot 35, DL 80, Group 1, NWD Plan 1892
5941 Kincaid Street	001-775-201	Lot 34, DL 80, Group 1, NWD Plan 1892
5951 Kincaid Street	001-775-197	Lot 33, DL 80, Group 1, NWD Plan 1892
5969 Kincaid Street	012-409-308	Lot 12, DL 80, Group 1, NWD Plan 1891
5979 Kincaid Street	012-409-260	Lot 11, DL 80, Group 1, NWD Plan 1891
5989 Kincaid Street	012-409-227	Lot 10, DL 80, Group 1, NWD Plan 1891

Project Purpose: To permit the construction of a non-market seniors’ housing development.

- **REZ 20-16 – Non-Market Rental Housing Development**

ADDRESS	PID	LEGAL DESCRIPTION
6488 Byrnepark Drive	023-546-212	Lot 7, DL 171 and 155a, Group 1, NWD Plan LMP30202 except Plan EPP119461

Project Purpose: To permit the construction of new non-market rental units.

• **REZ 22-02– Non-Market Rental Apartment Building with Childcare**

ADDRESS	PID	LEGAL DESCRIPTION
7388 Southwynde Avenue	023-546-093	Lot 3, DL 171, Group 1, NWD Plan LMP30202

Project Purpose: To permit the construction of a non-market multiple-family development and childcare facility.

• **REZ 20-14 – Catalyst at Royal Oak**

ADDRESS	PID	LEGAL DESCRIPTION
6889 Royal Oak Avenue	031-859-348	Lot 1, DL 98, Group 1, NWD Plan EPP108565

Project Purpose: To permit the construction of a non-market mixed use development.

• **PPA 20-115 – Catalyst at Kingsway**

ADDRESS	PID	LEGAL DESCRIPTION
7392 16 th Avenue	031-860-583	Lot A, DL 29, Group 1, NWD Plan EPP124053

Project Purpose: To permit the construction of non-market rental housing.

• **REZ 20-17 – Little Bevan**

ADDRESS	PID	LEGAL DESCRIPTION
Portion of 6229 Marine Drive	032-004-192	Portion of Lot A, District Lot 155A, Group 1, NWD Plan EPP122272

Project Purpose: To permit the construction of non-market housing.

• **REZ 22-04 – Big Bevan**

ADDRESS	PID	LEGAL DESCRIPTION
7532 Bevan Street	003-203-611	Lot 2, DL 155A, Group 1, NWD Plan 14019
*7544 Bevan Street	009-914-617	Lot 3, DL 155A, Group 1, NWD Plan 14019
*7556 Bevan Street	002-887-711	Lot 4, DL 155A, Group 1, NWD Plan 14019
7568 Bevan Street	009-914-625	Lot 5, DL 155A, Group 1, NWD Plan 14019
*7580 Bevan Street	009-914-633	Lot 6, DL 155A, Group 1, NWD Plan 14019
6199 Marine Drive	000-618-721	Lot 7, DL 155A, Group 1, NWD Plan 14019
Portion of 6229 Marine Drive	032-004-192	Portion of Lot A, District Lot 155A, Group 1, NWD Plan EPP122272

Project Purpose: To permit the construction of market and non-market rental townhouses.

* Sites with an asterisk beside their address are not city-owned at this time. As approved by Council under REZ 16-39, the City will acquire the three lots located with the lower portion and currently owned by Mosaic at 7544, 7556 and 7580 Bevan Street and then lease back the entire subject site to Mosaic in a 99 year lease, with renewal options at the end of the term.

CIVIC PROJECT SITES

- **Rowan Childcare**

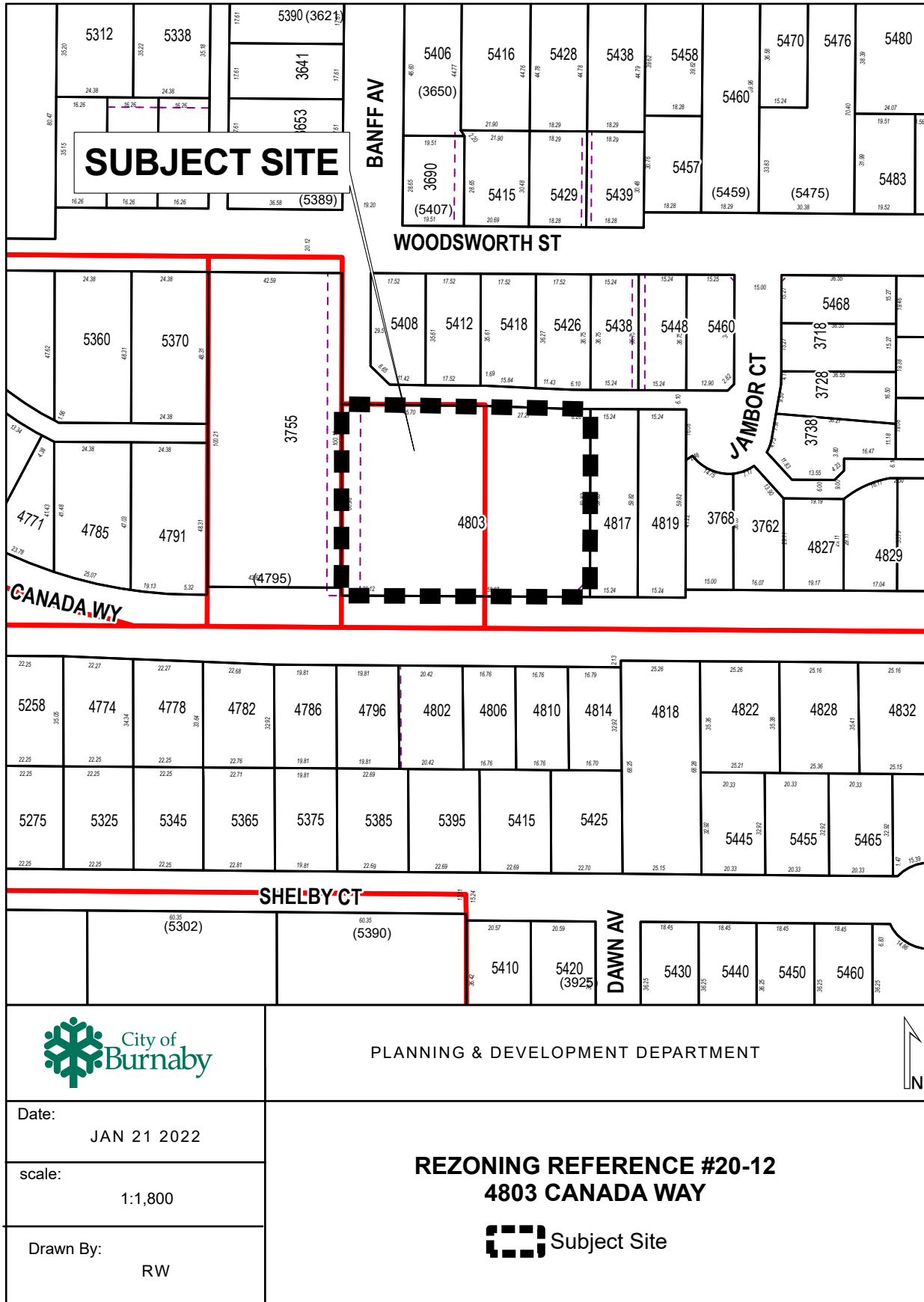
ADDRESS	PID	LEGAL DESCRIPTION
4828 Rowan Avenue	002-624-087	Parcel B, (Reference Plan 4905), Block 4, DL 79, Group 1, NWD Plan 536
6260 Deer Lake Avenue	002-550-474	Parcel A, (Reference Plan 3333), Block 4, DL 79, Group 1, NWD Plan 536

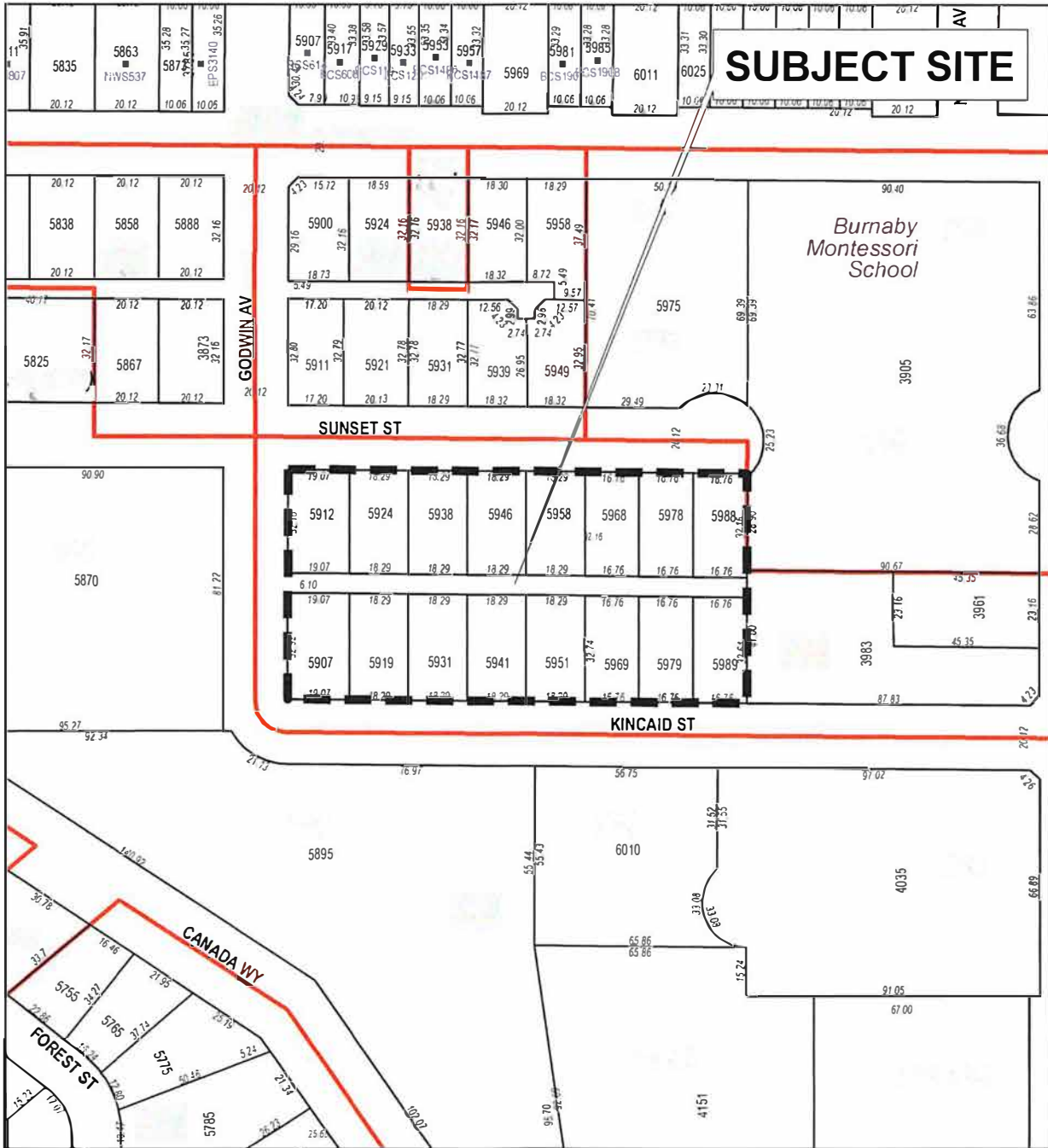
Project Purpose: To permit the construction of a childcare facility for up to 74 children between 0-5 years old.

- **Confederation Park Community Centre**

ADDRESS	PID	LEGAL DESCRIPTION
250 Willingdon Avenue	017-040-752	Parcel One, DL 122 & 188, Group 1, NWD Plan NWP87902

Project Purpose: To construct a community centre that will be a focal point for Burnaby’s growing northwest quadrant, bringing together existing facilities and providing new and improved spaces for arts, fitness and recreational activities.





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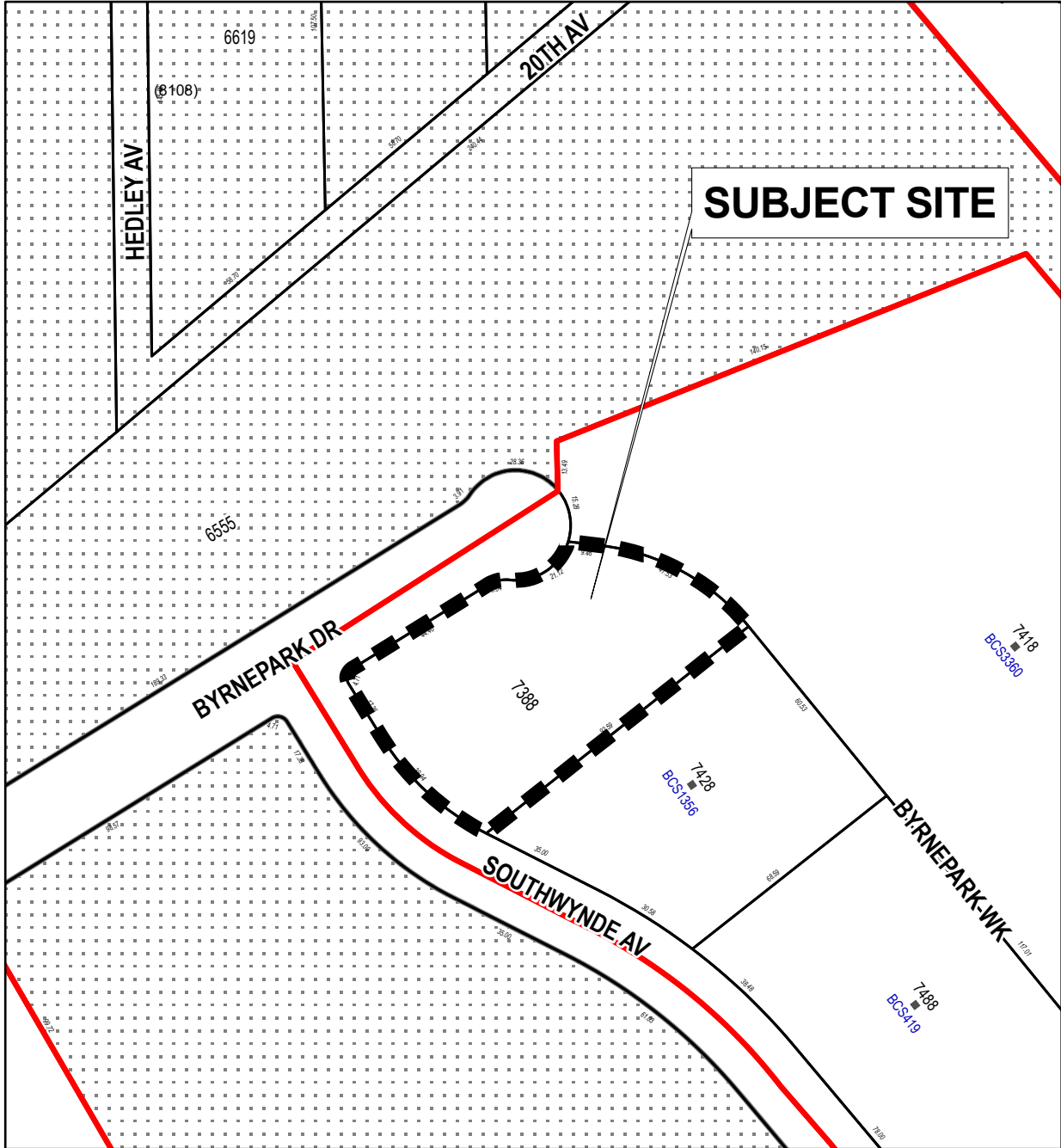
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JS

REZONING REFERENCE #20-15
5212, 5924, 5938, 5946, 5958, 5968, 5978 & 5988 SUNSET STREET
AND 5907, 5919, 5931, 5941, 5951, 5969, 5979
& 5989 KINCAID STREET

 Subject Site



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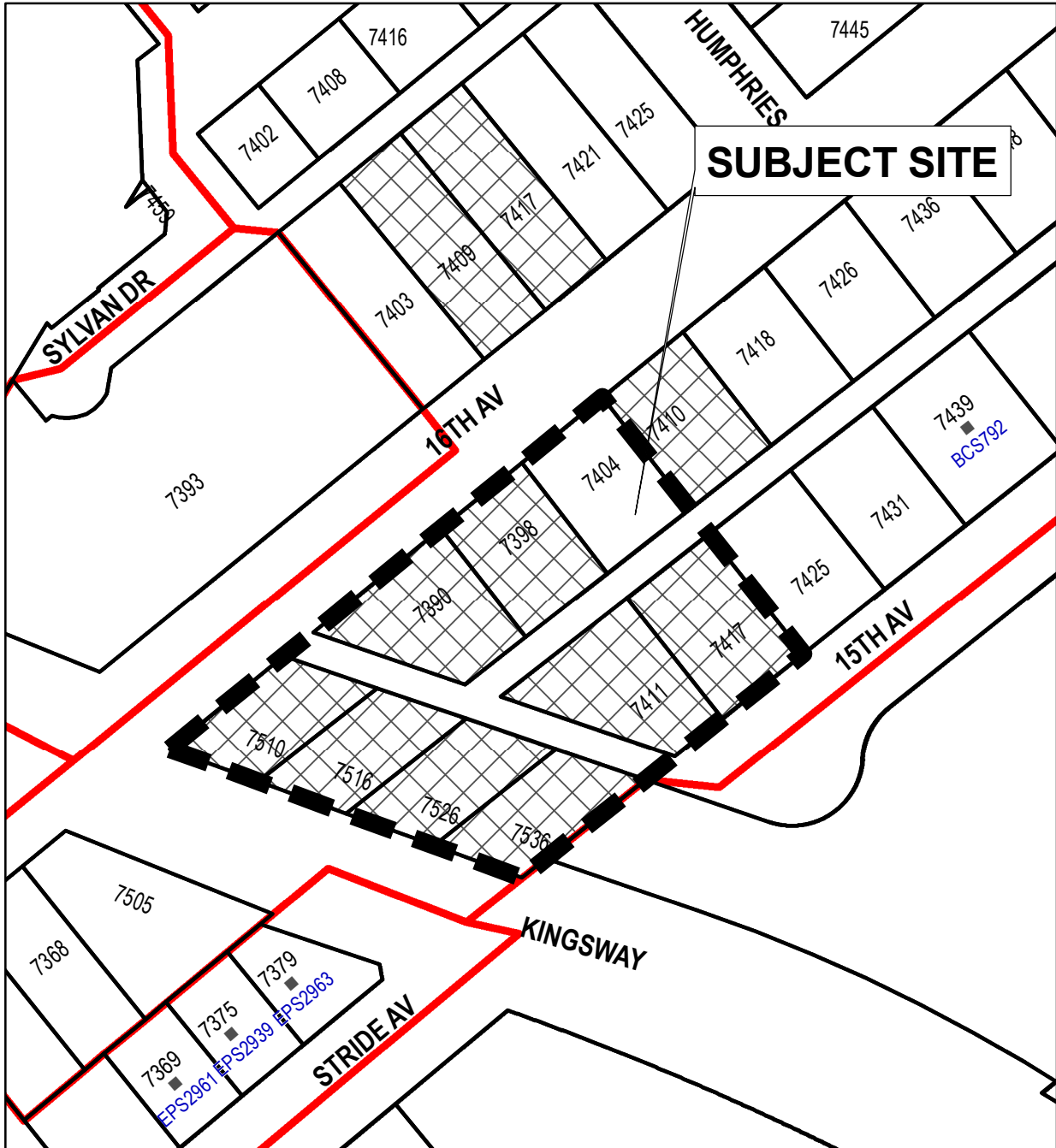
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RW

**REZONING REFERENCE #22-02
7388 SOUTHWYNDE AVENUE**

 Subject Site



PLANNING & DEVELOPMENT DEPARTMENT



Date: OCT 14 2020

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**SITE #4
POTENTIAL AFFORDABLE HOUSING PARTNERSHIP SITE
KINGSWAY/16TH AVENUE**



Subject Site

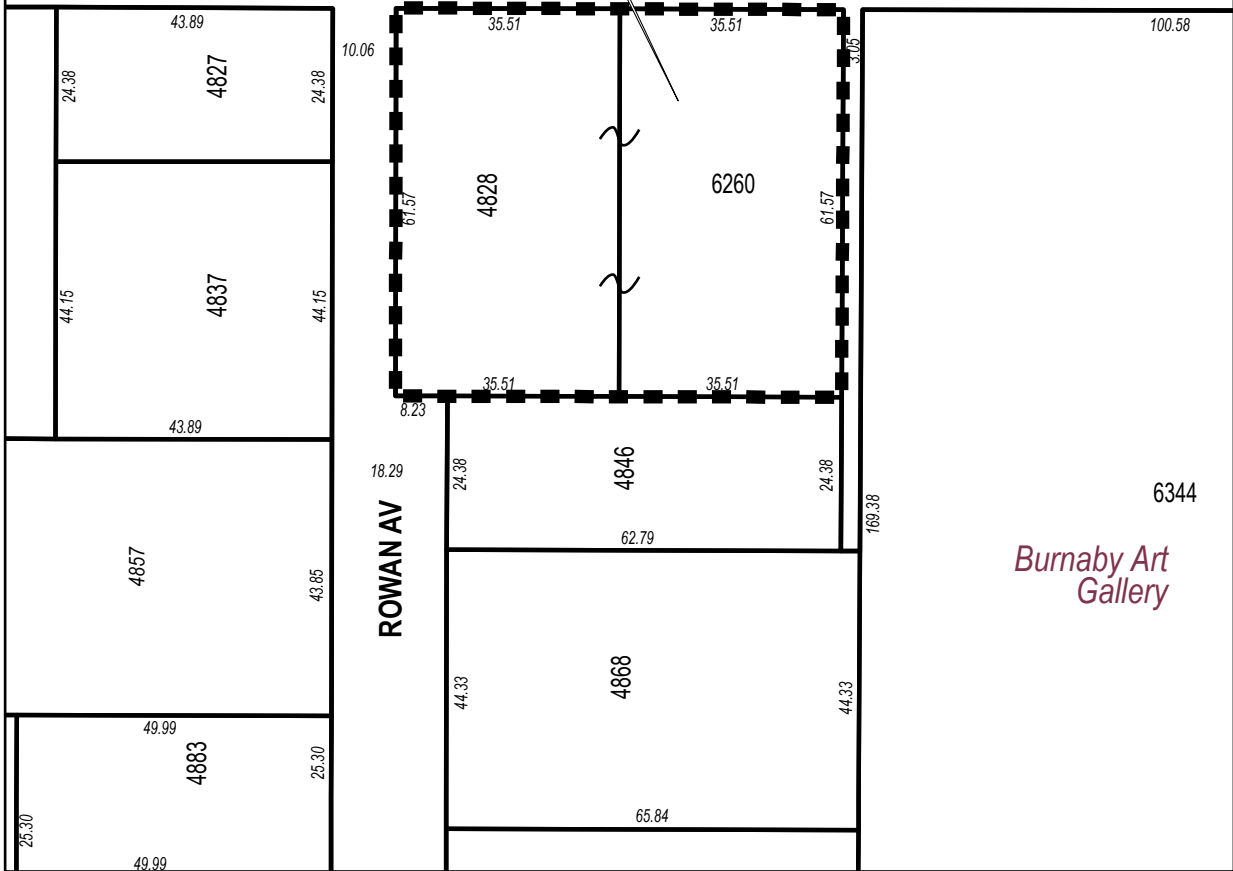


City-Owned Property

SUBJECT SITE

326.07

DEER LAKE AV



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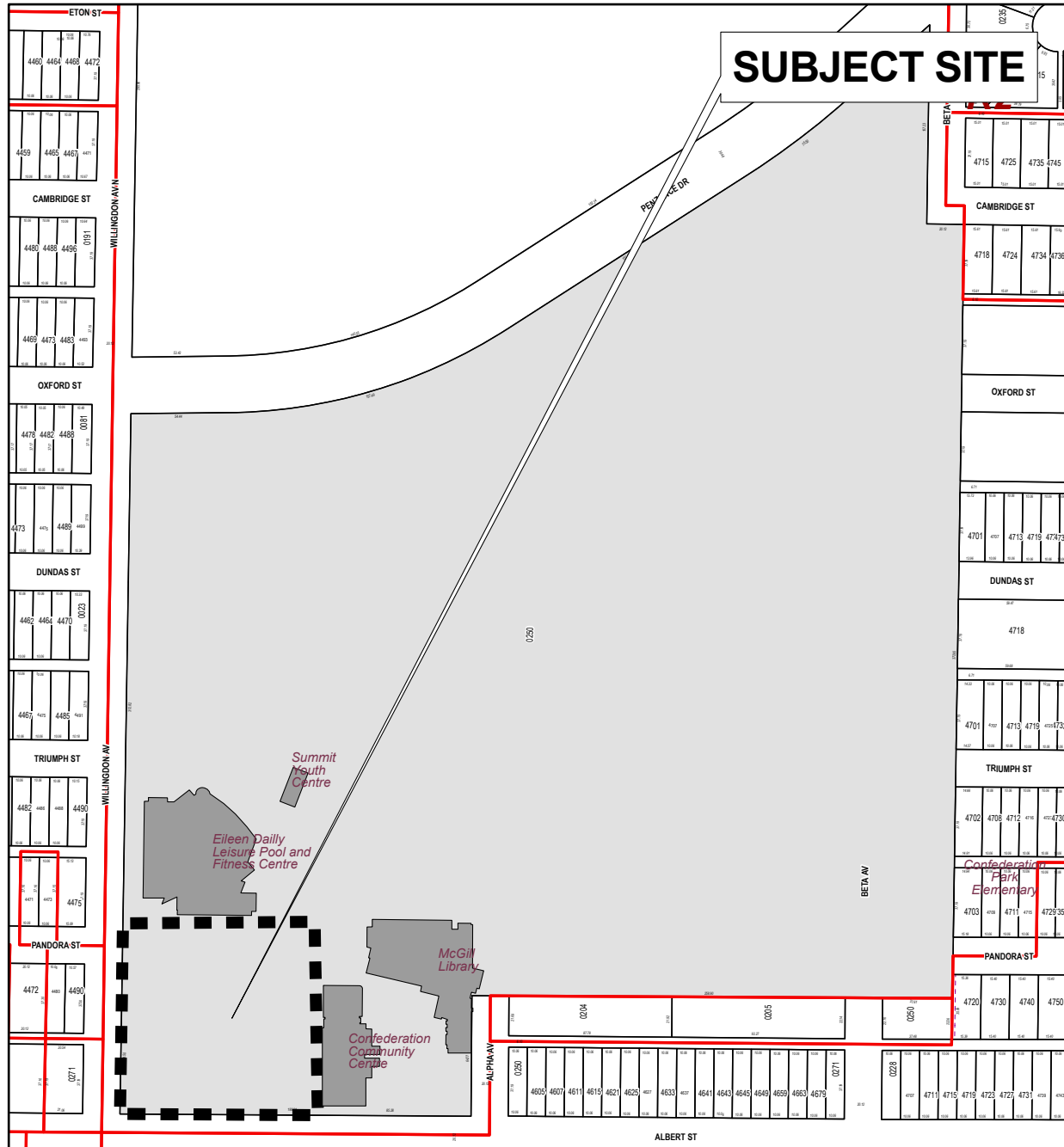
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**SUBDIVISION REFERENCE#23-17
4828 ROWAN AVENUE AND
6260 DEER LAKE AVENUE**

 Subject Site



PLANNING & DEVELOPMENT DEPARTMENT



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JAN 23 2024

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CONFEDERATION PARK COMMUNITY CENTRE



Subject Site



250 Willingdon Avenue



Building Outline