



Item
Meeting 2016 October 24

COUNCIL REPORT

TO: CITY MANAGER 2016 October 19

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #14-47**
Four-Storey Mixed-use Development
Royal Oak Community Plan

ADDRESS: 6837, 6857 and Portion of 6875 Royal Oak Avenue
(see *attached* Sketches #1 and #2)

LEGAL: North Half Lot 3, Block 3, Block 6 of DL 98, Group 1, NWD Plan 1503; Parcel 1, DL 98, Group 1, NWD Plan LMP42986; Portion of Parcel 2, DL 98, Group 1, NWD Plan LMP43130

FROM: M4 Special Industrial District

TO: CD Comprehensive Development District (based on C9 Urban Village Commercial District and Royal Oak Community Plan guidelines and the development plan entitled "6837/6857/6875 Royal Oak Ave, Burnaby, BC" prepared by Wilson Chang Architect)

APPLICANT: 0895441 B.C. Ltd.
7429 Morley Drive
Burnaby, BC V5E 3X9
Attention: Bimaljit Sahdev

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2016 November 22.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2016 November 07 and to a Public Hearing on 2016 November 22 at 7:00 p.m.
2. **THAT** the sale be approved in principle of City-owned property for inclusion within the subject development site in accordance with the terms outlined in Section 3.2 of this report, and subject to the applicant perusing the rezoning proposal to completion.
3. **THAT** a cost sharing agreement for interim improvements on Royal Oak Avenue be approved as described in Section 3.4 of this report.

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4. **THAT** this report be sent to the owner of 6949 Royal Oak Avenue for information purposes.

5. **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) Demolition of any improvements will be permitted after Final Adoption of the Rezoning Bylaw has been granted. A Section 219 Covenant will be required ensuring the improvements are demolished within three months of the rezoning being affected.

 - e) The completion of the sale of City Property.

 - f) The dedication of any rights-of-way deemed requisite.

 - g) The granting of any necessary statutory rights-of-way, easements and/or covenants.

 - h) The granting of any necessary Section 219 Covenants including:
 - restricting enclosure of balconies;
 - indicating that the residential driveway access will not be restricted by gates;
 - ensuring compliance with the approved acoustical study; and,
 - ensuring that handicap accessible parking stalls be held in common property to be administered by the Strata Corporation.

 - i) Compliance with the guidelines for surface and underground parking for residential visitors and commercial patrons.

 - j) The review of a detailed Sediment Control System by the Director Engineering.

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- k) The submission of a suitable Solid Waste and Recycling plan to the approval of the Director Engineering.
- l) The design and provision of units adaptable to persons with disabilities, the provision of customized hardware and cabinet work being subject to the sale/lease of the unit to a disabled person, with allocated disabled parking spaces protected by a Section 219 Covenant.
- m) The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space, to the approval of the Director Engineering and a commitment to implement the recycling provisions.
- n) The review of on-site residential/commercial loading facilities by the Director Engineering.
- o) The submission of a Site Profile and resolution of any arising requirements.
- p) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- q) The provision of facilities for cyclists in accordance with this report.
- r) Compliance with the Council-adopted sound criteria.
- s) The undergrounding of existing overhead wiring abutting the site.
- t) The submission of a detailed comprehensive sign plan.
- u) The deposit of the applicable Parkland Acquisition Charge.
- v) The deposit of the applicable GVS & DD Sewerage Charge.
- w) The deposit of the applicable School Site Acquisition Charge.
- x) 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

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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

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a four-storey mixed-use development with full residential underground parking and at grade commercial parking, with ground level commercial fronting Royal Oak Avenue and residential uses (54 units) above.

2.0 BACKGROUND

- 2.1 The subject site is located on the west side of Royal Oak Avenue south of Imperial Street (see *attached* Sketch #1). The subject site is currently occupied by industrial/warehouse buildings at 6857 and 6875 Royal Oak Avenue, both of which are City-owned properties, and an older single-family dwelling at 6837 Royal Oak Avenue, which is privately owned. The immediate area to the north and south, including the subject site, is currently zoned M4 Special Industrial District, which permits a range of industrial, commercial and existing residential uses. To the north across the lane is an automotive repair shop. Directly to the south is a vacant property with a small office building beyond. To the east, across Royal Oak Avenue, are two mixed-use commercial/residential developments, the first which was constructed in 2012 under Rezoning Reference #06-46, and the second which is located at the southeast corner of Imperial Street and Royal Oak Avenue is under construction (Rezoning Reference #07-29). To the west, across the lane, is a townhouse development which was constructed in 2014 under Rezoning Reference #11-25.
- 2.2 On 2010 July 26, Council received an application for rezoning of the properties at 6837 and 6857 Royal Oak Avenue (Rezoning Reference #10-16) to permit the construction of a mixed-use residential/commercial development in line with the C9 Urban Village Commercial District designation. The application for rezoning was held in abeyance pending a review and determination of an approach to resolve the storage needs at the time for the Burnaby Village Museum which was being accommodated at the building at 6857 Royal Oak Avenue. At its regular meeting of 2011 August 29, Council authorized this Department to work with the applicant towards a suitable plan of development, as an alternative City-owned location had been secured.
- 2.3 At its closed meeting on 2010 July 26, Council approved the registration of statutory rights-of-way on the City lands at 6857 and 6875 Royal Oak Avenue in favour of BC Hydro (see *attached* Sketch #1). The required statutory rights-of way for the subject site included the registration of a 5.5m x 6.5m statutory right-of-way for provision of a Vista Switch and a 3.5m x 3.5m statutory right-of-way for provision of a Low Profile

Transformer. The statutory rights-of-way are required to support implementation of the approved BC Hydro design for the undergrounding of associated overhead wiring between Lane Street and Beresford Street. The costs for the hydro infrastructure and undergrounding of wiring is to be funded by the subject rezoning application, Rezoning Reference #06-46 (6888 Royal Oak Avenue) and Rezoning Reference #07-29 (6808, 6826 Royal Oak Avenue and 5250 Imperial Street), as well as future developments on the east side of Royal Oak Avenue between Beresford Street and Lane Street, including Rezoning Reference #14-29 for 6960 Royal Oak Avenue, on a frontage basis, through the deposit of funds for future works.

- 2.4 A previous request from the applicant was received to expand the development site to include a portion of 6875 Royal Oak Avenue, citing the registered statutory rights-of-way and the required road dedications as significant constraints to development. This request is supported as the buildings at the City-owned properties at 6837 and 6875 Royal Oak Avenue are no longer being leased and are now vacant.
- 2.5 The new development site would include the northern portion of 6875 Royal Oak Avenue, as it would improve the efficiencies of the overall development site as well as provide for a development that is commensurate with the existing mixed-use commercial/residential development across the street at 6888 Royal Oak Avenue. The remainder of 6875 Royal Oak Avenue would be consolidated in the future with 6909 and 6929 Royal Oak Avenue for development under the CD (C9) District. The applicant withdrew the application for Rezoning Reference #10-16 in 2014 December and subsequently applied for the subject rezoning application for development under the expanded site.
- 2.6 At its meeting of 2015 January 21, Council received the report of the Planning and Building Department regarding the rezoning of the subject property and authorized staff to work with the applicant towards a suitable plan of development in line with the C9 Urban Village Commercial District, with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

3.0 GENERAL COMMENTS

- 3.1 The development proposal is for a four-storey mixed-use building with commercial uses on the ground floor fronting Royal Oak Avenue, with 54 residential units located on three levels above. All residential parking is to be provided underground with at-grade enclosed commercial parking provided at the rear of the development. Vehicular access is provided via the rear lane.
- 3.2 As noted, the subject site comprises three properties, two of which are currently under City ownership. The total area of City-owned land to be included in the development site, minus the necessary dedications on Royal Oak Avenue, is approximately 2,183.6 m²

(23,504 sq.ft.) (subject to survey). A separate report detailing the value of the properties will be forwarded to Council for consideration and approval prior to the subject amendment bylaw receiving Third Reading. The report to Council will be prepared once the Legal and Lands Department has concluded negotiations with the applicant. Council approval of the property value is a prerequisite condition of the rezoning.

3.3 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site, including but not necessarily be limited to:

- construction of Royal Oak Avenue to its final standard with new curb, gutter and separated sidewalks, with saw-cut concrete boulevards, street and pedestrian lighting, and street trees in grates across the development frontage;
- construction of the adjacent east-west lane to its final standard, with new curb, gutter and new abutting sidewalk across the development frontage;
- provision of decorative/stamped concrete on the adjacent east-west lane, approximately 20.5 ft. in depth from the site's new property line; and,
- upgrade of sanitary storm and water services as required.

A 2.3m (7.5 ft.) dedication from the Royal Oak Avenue frontage and a 1.8m (5.9 ft.) dedication from the abutting lane to the north of the development site are required to support the works described above. The total area of dedications is approximately 222.6 m² (2,396 sq.ft.) (subject to legal survey).

3.4 This application presents an opportunity to address existing issues related to the Royal Oak Avenue and Beresford Street intersection to the south of the development site, notably the substandard pedestrian crossing alignment across Royal Oak Avenue to the Royal Oak Station, as well as an unsafe grade change between the sidewalk and the convenience store located at 6949 Royal Oak Avenue. Prior to the redevelopment of the consolidated site consisting of 6949 and 6969 Royal Oak Avenue, which is anticipated in the mid-long term, the following interim improvement works (to be confirmed by the Transportation Planning Division) are proposed:

- the re-alignment of the crosswalk from the existing curb letdown on the east side of Royal Oak Avenue;
- the construction of a new curb along the west side of Royal Oak Avenue, from the south side of 6949 Royal Oak Avenue to the existing curb north of the BC Parkway Urban Trail, including a new pedestrian curb letdown and vehicle curb letdown for 6949 Royal Oak Avenue's driveway access;
- new asphalt on the back of the existing sidewalk, from the existing lamp standard in front of 6949 Royal Oak Avenue to the BC Parkway Urban Trail;
- construction of a new retaining wall with safety rail;
- construction of new stairs from the existing sidewalk to the convenience store at 6949 Royal Oak Avenue; and,

- the relocation of the existing cyclist push button to the back of sidewalk in proposed retaining wall.

As these improvements would provide overall safer access by the subject development and surrounding neighbourhood to the Royal Oak SkyTrain Station, it is proposed that a cost sharing agreement be established between the applicant and the City to fund the design and construction of the interim improvement works associated with the pedestrian crossing across Royal Oak Avenue on the south side of the station.

With regards to these above-noted works, the City would be responsible (100%) for the design and construction costs associated with the pedestrian crossing across Royal Oak Avenue, with the applicant undertaking the project management and construction of the works, as well as the design and construction of the required servicing for the works along the subject development's frontages. The developer has agreed in principle to undertake the design and construction work for these improvement items. A funding allocation for the City component of the works will be made in the 2017 Development Coordinated Works – Roads component of the 2017 – 2021 Provisional Financial Plan.

- 3.5 In accordance with the City's policy for adaptable units, a total of 11 units (20% of the total number of residential units) have been provided meeting adaptable standards. As permitted under the adopted policy, 20 sq.ft. for each adaptable unit is exempt from F.A.R., resulting in a total adaptable unit F.A.R. exemption of 220 sq.ft. One handicap accessible parking stall is provided in connection with this development within the residential parking area. The accessible parking stall will be protected by a Section 219 Covenant as common property to be administered by the Strata Corporation.
- 3.6 Any necessary easements, covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:
- a 1.5 (4.1 ft.) statutory right-of-way on the east-west lane abutting the site to the north for the provision of a pedestrian sidewalk connection;
 - a tapered statutory right-of way of 0.0 m to 1.2 m (0 – 3.9 ft.) from the Royal Oak Avenue frontage for separated sidewalk provisions;
 - Section 219 Covenant restricting the enclosure of balconies;
 - Section 219 Covenant providing that all disabled parking to remain as Common Property;
 - Section 219 Covenant ensuring compliance with the submitted acoustical analysis; and,
 - Section 219 Covenant ensuring demolition of existing improvements within three months of Final Adoption
- 3.7 In light of the proximity to Royal Oak Avenue and the Royal Oak SkyTrain Station, an acoustic study is required to ensure compliance with the Council-adopted sound criteria.

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- 3.8 One car wash stall and an appropriately screened garbage handling and recycling holding area will be provided on site.
- 3.9 A Comprehensive Sign Plan is required.
- 3.10 The approval of a detailed commercial loading plan by the Director Engineering is required.
- 3.11 Due to the commercial/industrial history of the site, a Site Profile and the resolution of any arising issues will be required.
- 3.12 The developer is responsible for contributing towards the undergrounding of overhead wiring abutting the site on Royal Oak Avenue.
- 3.13 The Engineering Environmental Services Division will need to review a submission of a detailed plan of an engineered Sediment Control System prior to Final Adoption.
- 3.14 Given the size of the site, best management practices are acceptable in lieu of a formal storm water management plan.
- 3.15 Applicable Development Cost Charges are:
 - a) Parkland Acquisition Charge of \$3.84 per sq.ft. of residential gross floor area
 - b) School Site Acquisition Charge of \$800.00 per unit
 - c) GVS&DD Sewerage Charge of \$1,082.00 per apartment unit and \$0.811 per sq.ft. of gross commercial floor area.

4.0 DEVELOPMENT PROPOSAL

4.1 Site Area:

Gross Site	-	2,758.7 m ² (29,694 sq.ft.)
Dedications	-	222.5 m ² (2,395 sq.ft.)
Net Site	-	2,536.2 m ² (27,299 sq.ft.)
		(Subject to detailed survey)

4.2 Density:

Residential Floor Area Ratio (FAR)	-	1.89 FAR
<u>Commercial Floor Area Ratio (FAR)</u>	-	<u>0.30 FAR</u>
Combined Total FAR	-	2.19 FAR

Residential Gross Floor Area (GFA)	-	4,805.8 m ² (51,729 sq.ft.)
Residential Amenity Space	-	243.4 m ² (2,620 sq. ft.)
		(exempted from FAR calculations)
Adaptable Unit Exemption (20 sq. ft./unit)	-	20.4 m ² (220 sq.ft.)


Commercial Gross Floor Area (GFA)	-	753.1 m ² (8,106 sq.ft.)	
Combined Total GFA	-	5,558.9 m² (59,835 sq.ft.)	
Site Coverage	-	72 %	
4.3 <u>Height:</u>	-	4 Storeys	
4.4 <u>Residential Unit Mix:</u>			
1 one-bedroom unit:	-	58.4 m ² (628 sq.ft.)	
15 one-bedroom + den units:	-	57.3 – 64.6 m ² (617 – 695 sq.ft.)	
13 two-bedroom units:	-	74.0 – 80.6 m ² (797 – 868 sq.ft.)	
11 Adaptable two-bedroom units:	-	80.5 – 80.6 m ² (867 – 868 sq.ft.)	
8 two-bedroom + den units:	-	73.9 – 95.2 m ² (796 – 1,024 sq.ft.)	
2 three-bedroom units:	-	87.4 m ² (941 sq.ft.) each	
4 three-bedroom + den units:	-	93.1 – 96.3 m ² (1,002 – 1,037 sq.ft.)	
TOTAL NUMBER OF UNITS	-	54 units	
4.5 <u>Vehicle Parking and Loading:</u>		<u>Required</u>	<u>Provided</u>
Residential @ 1.6 spaces/unit	-	87	89 (incl. 15 visitor parking spaces)
Commercial 753.1 m ² @ 1 space/46 m ² Required and Provided	-	17	
Total Parking Provided	-	106	
Car Wash Stall Required and Provided	-	1	
Commercial Loading Required and Provided	-	1	
Disabled spaces (included in Parking Total)	-		1 residential space provided underground; 1 residential visitor space provided underground; and, 1 commercial space provided at grade.
4.6 <u>Bicycle Parking:</u>		<u>Required</u>	<u>Provided</u>
Secure Residential @ 1 locker/unit	-	54	56

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Visitor Racks @ 0.2 spaces/unit + 10%
of Commercial off-street parking
Required and Provided - 13 18

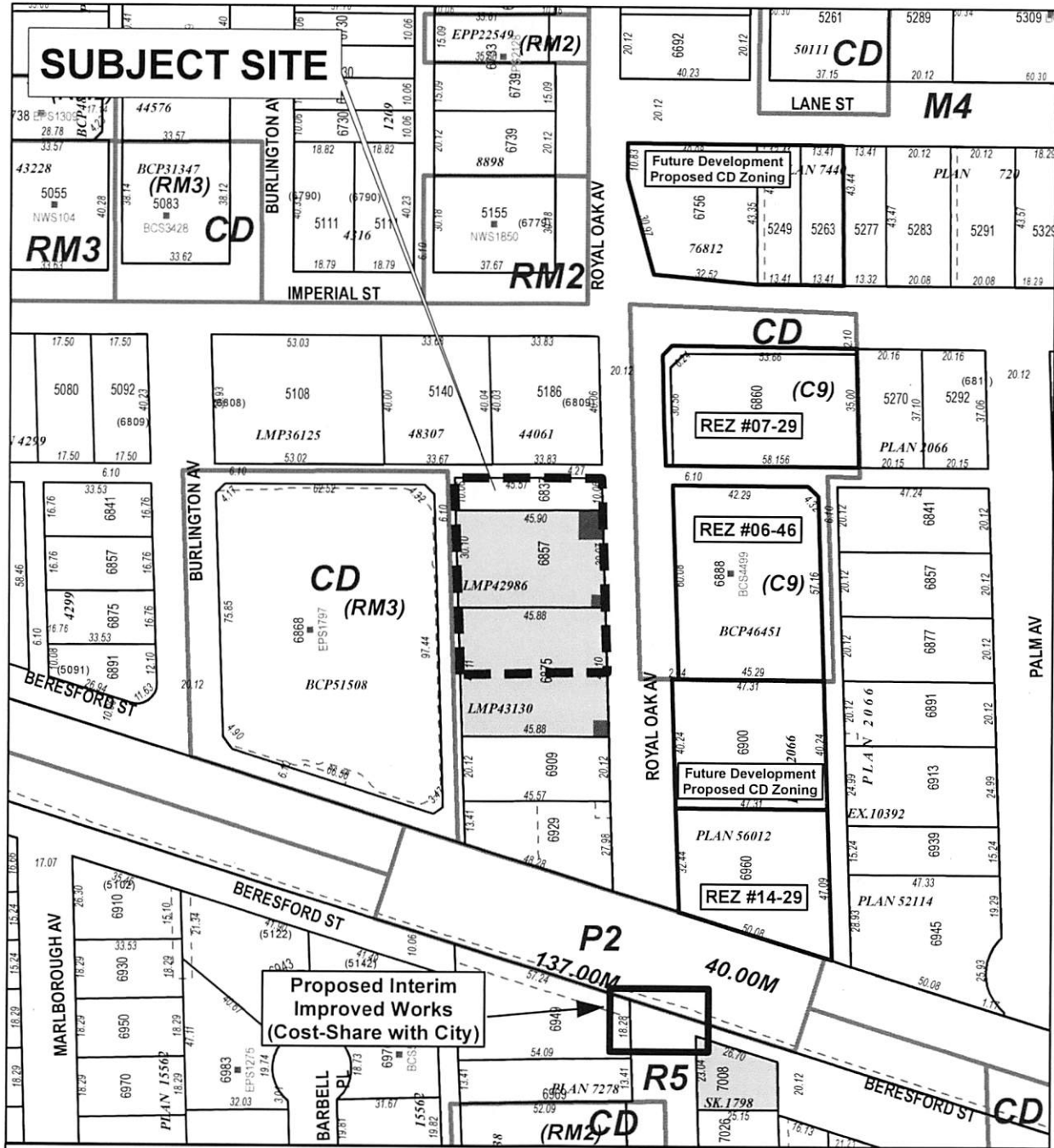
4.7 Communal Facilities (Excluded from FAR Calculations)

Communal facilities for residents are located on the ground floor of the development. Amenities include a multi-purpose amenity room, a fitness room, and an amenity lobby. The total amenity area measures 243.4 m² (2,620 sq. ft.), which is less than the 277.9 m² (2,992 sq.ft.) permitted to be excluded from Gross Floor Area (GFA) by the Zoning Bylaw.


Lou Pelletier, Director
PLANNING AND BUILDING

GT:spf
Attachments

cc: Director Engineering
Chief Licence Inspector
City Solicitor
City Clerk



PLANNING & BUILDING DEPARTMENT



DATE: OCT 03 2016

SCALE: 1:2,000

DRAWN BY: AY

REZONING REFERENCE #14-47
6837, 6857 AND PORTION OF 6875 ROYAL OAK AVENUE



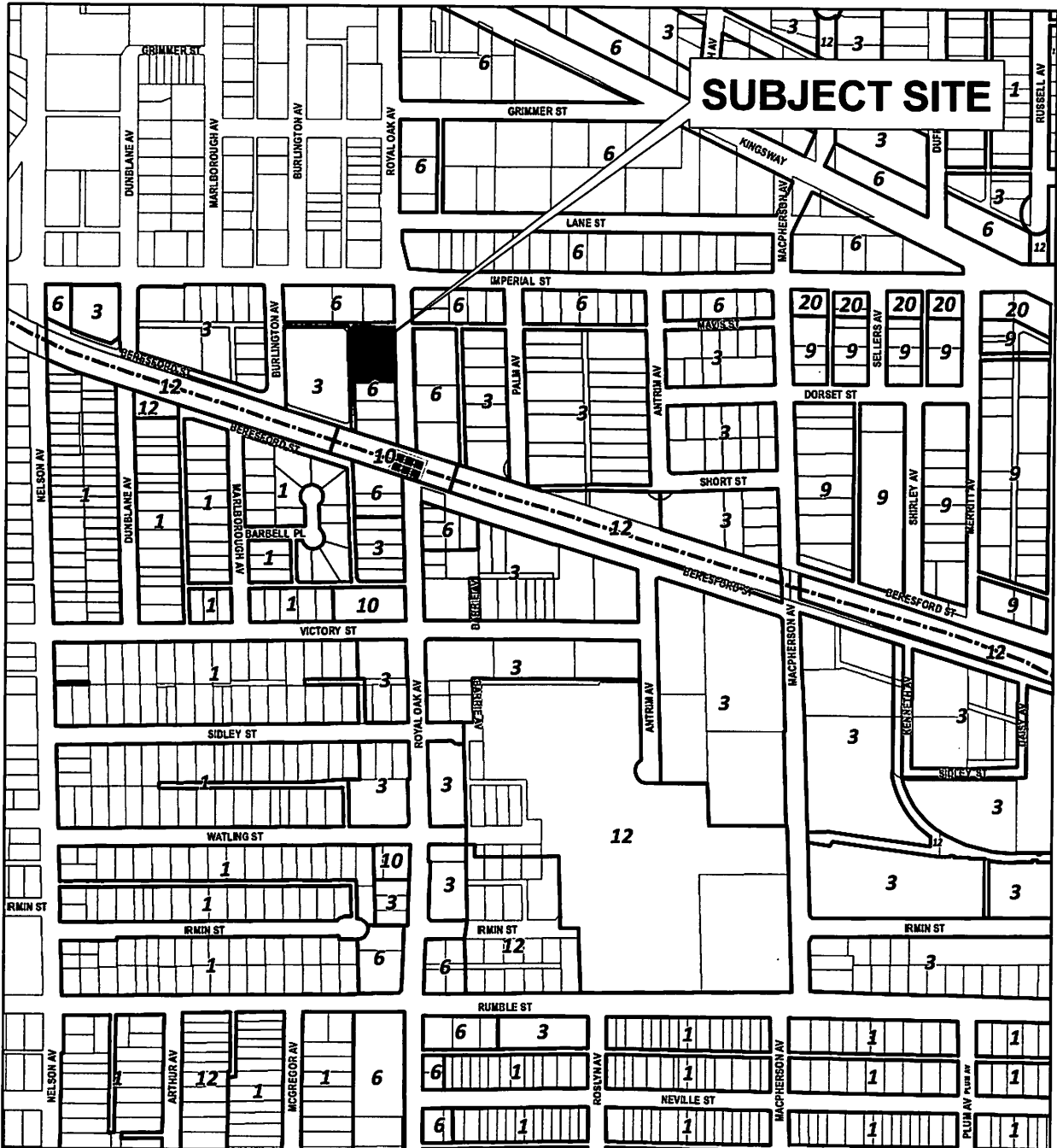
Subject Site



BC Hydro Rights-of-Way on City-owned Properties



City-owned Property



**Royal Oak Community Plan
Land Use**



PLANNING & BUILDING DEPARTMENT

General Land Use Designation Key

- 1** Single and Two Family Residential
- 3** Medium Density Multiple Family Residential
- 5** Commercial
- 6** Medium Density Mixed Use
- 9** Industrial
- 10** Institutional
- 12** Park and Public Use
- 20** Industrial and Commercial Mixed Use

