



Item .....
Meeting ..... 2016 November 21

COUNCIL REPORT

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**TO:** CITY MANAGER 2016 November 16

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #12-04  
Four-Storey Mixed-Use Development  
Royal Oak Community Plan, Sub-Area 8**

**ADDRESS:** 5289, 5309, and 5355 Lane Street (see *attached* Sketches #1 and #2)

**LEGAL:** Schedule A (*attached*)

**FROM:** M4 Special Industrial District and CD Comprehensive Development District (based on C9 Urban Village Commercial District and Royal Oak Community Plan guidelines and in accordance with the development plan entitled "Lane Street Phase 1 5369/5401/5437 Lane Street Burnaby B.C." prepared by Cornerstone Architecture)

**TO:** CD Comprehensive Development District (based on C9 Urban Village Commercial District and Royal Oak Community Plan guidelines and in accordance with the development plan entitled "Lane 2 'eternity' 5309 Lane Street Burnaby B.C." prepared by Cornerstone Architecture)

**APPLICANT:** Dimex Developments Inc.  
180 East 50<sup>th</sup> Avenue  
Vancouver, BC V5X 1A3  
(Attn: Sunny Dhillon)

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2016 December 13.

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**RECOMMENDATIONS:**

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2016 November 21, and to a Public Hearing on 2016 December 13 at 7:00 p.m.
2. **THAT** the predecessor Rezoning Bylaw, Amendment Bylaw No. 09/13, Bylaw 13187, be abandoned contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
3. **THAT** the following be established as prerequisites to the completion of the rezoning:

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #12-04  
Four-Storey Mixed-Use Development  
2016 November 16 .....Page 2

- 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 submission of an undertaking to remove all existing improvements from the site prior to or within six months of the rezoning bylaw being effected. Demolition of any improvements will be permitted at any time, provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Second Reading, Third Reading and/or Final Adoption of the Rezoning Bylaw.
- e) The undergrounding of existing overhead wiring abutting the site.
- f) The consolidation of the net project site into one legal parcel.
- g) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- h) The granting of any necessary Section 219 Covenants including, but not limited to, a restriction on the enclosure of balconies; provision and maintenance of electric vehicles; that all handicap accessible stalls remain as common property; and ensuring compliance with the submitted acoustical analysis.
- i) A noise study is required to ensure compliance with the Council-adopted sound criteria.
- j) Compliance with the guidelines for underground parking for residential visitors and commercial patrons.
- k) The provision of a covered car wash stall and 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.

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #12-04  
Four-Storey Mixed-Use Development  
2016 November 16 .....Page 3

- l) The provision of a suitable on-site stormwater management system to the approval of the Director Engineering, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.
- m) The design and provision of units adaptable to persons with disabilities and 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.
- n) The submission of a Site Profile and resolution of any arising requirements.
- o) The review of a detailed Sediment Control System by the Director Engineering.
- p) The provision of facilities for cyclists in accordance with Section 4.6 of the rezoning report.
- q) The submission of a detailed comprehensive sign plan.
- r) The deposit of the applicable Parkland Acquisition Charge.
- s) The deposit of the applicable GVS & DD Sewerage Charge.
- t) The deposit of the applicable School Site Acquisition Charge.
- u) 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**

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a four-storey mixed-use development with full underground parking, comprised of at grade commercial fronting Lane Street with residential uses behind and above.

### **2.0 BACKGROUND**

2.1 The subject site is located within Sub-Area 8 of the Council-adopted Royal Oak Community Plan, on the north side of Lane Street between Royal Oak Avenue and MacPherson Avenue (see *attached* Sketches #1 and #2).

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #12-04  
Four-Storey Mixed-Use Development

2016 November 16 .....Page 4

2.2 A development is being pursued that proposes a four-storey mixed-use form utilizing the CD Comprehensive Development District (with the C9 District as a guideline) in line with the adopted Royal Oak Community Plan.

2.3 The subject rezoning amendment (Rezoning Reference #12-04, Amendment Bylaw No. 09/13, Bylaw 13187), which is phase 2 of a two-phase development, was advanced to a Public Hearing on 2013 March 19, and was granted Second Reading on 2013 April 08. Also appearing on that Council meeting agenda was a separate rezoning application (Rezoning Reference #11-37) for phase 1 of the proposed development at 5355 Lane Street, which proposed a similar four-storey mixed-use development utilizing the C9 District as a guideline. Although both the subject rezoning application at 5309 Lane Street and the adjacent rezoning application (Rezoning Reference #11-37) at 5355 Lane Street were envisioned to be developed independent of one another, the applicant expressed an interest in developing the sites as two phases of the same development. As such, a detailed design was prepared encompassing both sites proposing a common underground parkade with shared vehicle access from Lane Street, combined loading facilities and garbage/recycling areas, and shared amenity areas. Rezoning Reference #11-37 received Final Adoption on 2014 April 14, and is currently under construction.

Since that time, the applicant for the phase 1 and 2 sites, has indicated a desire to consolidate the two legal parcels into one development. Further, the applicant wishes to expand the phase 2 site to include the adjacent property to the west at 5289 Lane Street.

2.4 To the west of the subject site at 5261 Lane Street is an older industrial building that underwent significant exterior and interior renovations in 2001. It is noted that this site could be developed independently as a four-storey mixed-use form utilizing the CD Comprehensive Development District based on the C9 District as a guideline.

2.5 Phase 1 of the development located at 5355 Lane Street (Rezoning Reference #11-37), which received Final Adoption on 2014 April 14, has received all required development approvals, and is currently under construction. Therefore, this rezoning will supercede the bylaw for Rezoning Reference #11-37, on granting of Final Adoption of the subject application.

2.6 The phase 2 development being pursued is for a 112 unit four-storey mixed-use development with commercial at grade fronting Lane Street with residential behind and on three levels above. The proposed ground level residential units are considered supportable as the maximum C9 Floor Area Ratio (F.A.R) of 2.2 is not exceeded, as well as to provide for a ground oriented residential interface to the rear of the development, as there is no lane.

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

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #12-04  
Four-Storey Mixed-Use Development  
2016 November 16 .....Page 5

### 3.0 GENERAL COMMENTS

- 3.1 The phase 2 development proposal is for a four-storey building with 112 apartment units and ground level commercial fronting Lane Street. Vehicular access is from Lane Street. The maximum permitted density of the project is 2.2 F.A.R with full underground parking.
- 3.2 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site. The servicing requirements will include, but not necessarily be limited to, the construction of Lane Street to an 11m pavement width with curb and gutter on both sides, and the construction of a new separated sidewalk, street trees, street lighting and pedestrian lighting on the north side of Lane Street across the development site's frontage.
- 3.3 In line with Council-adopted policy on adaptable housing, the phase 2 development is providing 23 adaptable units, with a corresponding floor area exemption of 42.7 m<sup>2</sup> (460 sq.ft.). Two handicap accessible parking stalls will be provided in accordance with the zoning bylaw. These parking stalls will be protected by a Section 219 Covenant as common property to be administered by the Strata Corporation.
- 3.4 Any necessary easements, covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:
- Section 219 Covenant required restricting enclosure of balconies;
  - Section 219 Covenant requiring all disabled parking be held as common property;
  - Section 219 Covenant for the provision and maintenance of electric vehicles; and,
  - Section 219 Covenant ensuring compliance with the submitted acoustical analysis.

No road dedications are required as part of this rezoning application.

- 3.5 An important sustainability feature proposed by the developer is a transportation demand management initiative involving the provision of one electric vehicle plug-in station (including all necessary wiring, electrical transformer and mechanical ventilation modifications) as well as one electric passenger vehicle. Additionally, two electric vehicles and plug-in stations are to be provided at the adjacent phase 1 site at 5355 Lane Street. It is expected that this initiative would support a reduction in car ownership within the development, for example allowing some families to do without a second car. For this reason, staff recommend a reduction of 0.1 space per residential unit for the development. A Section 219 Covenant, easement and sufficient security will be required to ensure the provision, access and ongoing maintenance of the electric vehicle and electric plug-in station by the strata.

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #12-04  
 Four-Storey Mixed-Use Development

2016 November 16 .....Page 6

- 3.6 In light of the proximity to Royal Oak Avenue, Kingsway and Imperial Street, a noise study is required to ensure compliance with the Council-adopted sound criteria.
- 3.7 One car wash stall will be provided on site, in addition to the one provided at the phase 1 site at 5355 Lane Street. An appropriately screened common garbage handling and recycling holding area is to be located on the phase 1 site at 5355 Lane Street.
- 3.8 The developer is responsible for the undergrounding of the overhead wiring abutting the site on Lane Street.
- 3.9 Development Cost Charges:
  - a) Parkland Acquisition Charge of \$3.84 per sq.ft. of residential gross floor area.
  - b) School Site Acquisition Charge of \$600.00 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.
- 3.10 Engineering Environmental Services Division will need to review a submission of a detailed plan of an engineered Sediment Control System prior to Final Adoption. The proposed Sediment Control System will then be the basis after Final Adoption for the necessary Preliminary Plan Approval and Building Permit.
- 3.11 A suitable on-site stormwater management system and a Section 219 Covenant to ensure its installation and maintenance will be required.
- 3.12 Due to the industrial history of the site, a site profile and resolution of any resultant conditions is required.
- 3.13 There are no trees suitable for retention on the subject site.
- 3.14 A Comprehensive Sign Plan is required.

**4.0 PHASE 2 DEVELOPMENT PROPOSAL – 5289 AND 5309 LANE STREET**

4.1	<b><u>Site Area</u></b>	-	4,048.2 m <sup>2</sup> (43,575 sq.ft.) (subject to survey)
4.2	<b><u>Density</u></b>		
	F.A.R. Permitted and Provided	-	2.2 F.A.R.
	Gross Floor Area (G.F.A.)	-	8,905.6 m <sup>2</sup> (95,859 sq.ft.)
	Residential	-	8,237.8 m <sup>2</sup> (88,671 sq.ft.)
	Commercial	-	667.8 m <sup>2</sup> (7,188 sq.ft.)

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #12-04  
 Four-Storey Mixed-Use Development  
 2016 November 16 .....Page 7

Adaptable Unit Exemption (20 sq.ft. / unit)	-	42.7 m <sup>2</sup> (460 sq.ft.)
<b>4.3 <u>Site Coverage</u></b>	-	55%
<b>4.4 <u>Height</u></b>	-	4 storeys
<b>4.5 <u>Unit Mix</u></b>		
32 studio units:	-	45 m <sup>2</sup> (485 sq.ft.)
19 one-bedroom:	-	56.1 – 60.4 m <sup>2</sup> (604 – 650 sq.ft.)
40 two-bedroom:	-	70 – 70.1 m <sup>2</sup> (754 – 755 sq.ft.)
21 three-bedroom:	-	83.6 – 84.1 m <sup>2</sup> (900 – 905 sq.ft.)
112 Total Units		
<b>4.6 <u>Parking and Loading</u></b>		<b><u>Required and Provided Spaces</u></b>
Residential Parking @ 1.5 spaces per unit (0.1 space / unit reduction for electric vehicle)	-	166 (including 23 visitors) provided (plus 2 resident spaces at phase 1)
Electric Passenger Vehicle Parking	-	1 space with 1 electric car (plus 2 spaces and 2 electric cars provided at phase 1)
Commercial Parking @ 1/46 m <sup>2</sup>	-	3 provided (plus 12 spaces at phase 1)
Total Vehicle Parking	-	170 including 1 electric vehicle space shared with phase 1; (plus 2 residential and 12 commercial spaces provided at phase 1)
Commercial Loading	-	1 (shared and provided at phase 1)
Car Wash Stall	-	1 (plus 1 provided at phase 1)
<b><u>Bicycle Parking:</u></b>		
Secure Residential @ 1 locker / unit	-	112
Visitors racks @ 0.2 spaces / unit + 10% of Commercial off-street parking	-	24

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #12-04  
 Four-Storey Mixed-Use Development  
 2016 November 16 .....Page 8

4.7 **Communal Facilities** (unchanged)

Communal facilities, shared by both phases, are proposed for the ground floor of the phase 1 site at 5355 Lane Street in the form of an activity room and two guest suites. The proposed 192.7 m<sup>2</sup> (2,074.21 sq.ft.) of gross floor area to be exempted from F.A.R. calculations, is below the permitted maximum exemption of 278.7 m<sup>2</sup> (3,000 sq.ft.) permitted in the Zoning Bylaw.

5.0 **PHASE 1 DEVELOPMENT – 5355 LANE STREET  
 (APPROVED UNDER REZONING REFERENCE #11-37)**

- 5.1 **Site Area** (unchanged) - 4,052.2 m<sup>2</sup> (43,618 sq.ft.)
- 5.2 **Density** (unchanged)
  - F.A.R. Permitted and Provided - 2.2 F.A.R.
  - Gross Floor Area (G.F.A.) - 8,970.6 m<sup>2</sup> (96,559 sq.ft.)
    - Residential - 8,475.1 m<sup>2</sup> (91,226 sq.ft.)
    - Commercial - 495.5 m<sup>2</sup> (5,333 sq.ft.)
  - Amenity (Activity Room and Guest Suites)  
 (Excluded from F.A.R.) - 192.7 m<sup>2</sup> (2,074.21 sq.ft.)
- 5.3 **Site Coverage** (unchanged) - 58%
- 5.4 **Height** (unchanged) - 4 storeys
- 5.5 **Unit Mix** (unchanged)
  - 10 studio units: - 46.2 – 49.7 m<sup>2</sup> (497 – 535 sq.ft.)
  - 6 one-bedroom units: - 60.2 m<sup>2</sup> (648 sq.ft.)
  - 14 one-bedroom + den units: - 63.1 – 63.2 m<sup>2</sup> (679 – 680 sq.ft.)
  - 72 two-bedroom: - 70.1 – 72.4 m<sup>2</sup> (755 – 779 sq.ft.)
  - 3 two-bedroom + den units: - 79.1 m<sup>2</sup> (851 sq.ft.)
  - 105 Total Units
- 5.6 **Parking and Loading** (unchanged) **Required and Provided Spaces**
  - Residential Parking @ 1.5 spaces per unit (0.1 space / unit reduction for electric vehicles) - 158 required (including 21 visitors)

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #12-04  
 Four-Storey Mixed-Use Development

2016 November 16 .....Page 9

Electric Passenger Vehicle Parking	-	2 spaces with 2 electric cars (plus 1 space with 1 electric car provided at phase 2)
Commercial Parking @ 1/46 m <sup>2</sup>	-	22 (10 required for the site plus 12 spaces provided for phase 2)
Total Vehicle Parking	-	182 (includes 2 residential and 12 commercial spaces for phase 2; and 2 electric vehicle spaces shared with phase 2)
Commercial Loading	-	1 (shared with phase 2)
Car Wash Stall	-	1
<b><u>Bicycle Parking:</u></b>		
Secure Residential @ 1 locker / unit	-	105
Visitors racks @ 0.2 spaces / unit + 10% of Commercial off-street parking	-	23

5.7 **Communal Facilities** (unchanged)

Communal facilities, shared by both phases, are proposed for the ground floor of the phase 1 site at 5355 Lane Street in the form of an activity room and two guest suites. The proposed 192.7 m<sup>2</sup> (2,074.21 sq.ft.) of gross floor area to be exempted from F.A.R. calculations, is below the permitted maximum exemption of 278.7 m<sup>2</sup> (3,000 sq.ft.) permitted in the Zoning Bylaw.

6.0 **OVERALL DEVELOPMENT PROPOSAL (PHASE 1 AND 2)**

6.1 **Site Area** (subject to survey) - 8,100.5 m<sup>2</sup> (87,193 sq.ft.)

6.2 **Density**

F.A.R. Permitted and Provided	-	2.2 F.A.R.
Gross Floor Area (G.F.A.)	-	17,876.2 m <sup>2</sup> (192,418 sq.ft.)
Residential	-	16,719.7 m <sup>2</sup> (179,897 sq.ft.)
Commercial	-	1,156.5 m <sup>2</sup> (12,521 sq.ft.)
Adaptable Unit Exemption (20 sq.ft. / unit)	-	42.7 m <sup>2</sup> (460 sq.ft.)

To: City Manager  
 From: Director Planning and Building  
 Re: REZONING REFERENCE #12-04  
 Four-Storey Mixed-Use Development  
 2016 November 16 ..... Page 10

	Amenity (Activity Room and Guest Suites) (Excluded from F.A.R.)	-	192.7 m <sup>2</sup> (2,074.21 sq.ft.)
6.3	<b><u>Site Coverage</u></b>	-	57%
6.4	<b><u>Height</u></b>	-	4 storeys
6.5	<b><u>Unit Mix</u></b>		
	42 studio units:	-	45.0 – 49.7 m <sup>2</sup> (485 – 535 sq.ft.)
	25 one-bedroom units:	-	56.1 – 60.4 m <sup>2</sup> (604 – 650 sq.ft.)
	14 one-bedroom + den units:	-	63.1 – 63.2 m <sup>2</sup> (679 – 680 sq.ft.)
	112 two-bedroom:	-	70.0 – 72.4 m <sup>2</sup> (754 – 779 sq.ft.)
	3 two-bedroom + den units:	-	79.1 m <sup>2</sup> (851 sq.ft.)
	<u>21 three-bedroom units:</u>	-	83.6 – 84.1 m <sup>2</sup> (900 – 905 sq.ft.)
	217 Total Units		
6.6	<b><u>Parking and Loading</u></b>		<b><u>Required and Provided Spaces.</u></b>
	Residential Parking @ 1.5 spaces per unit (0.1 space / unit reduction for electric vehicles)	-	326 required (including 44 visitors)
	Electric Passenger Vehicle Parking	-	3 spaces with 3 electric cars
	Commercial Parking @ 1/46 m <sup>2</sup>	-	25 spaces
	Total Vehicle Parking	-	354 (includes 3 electric vehicle spaces)
	Commercial Loading	-	1
	Car Wash Stalls	-	2
	<b><u>Bicycle Parking:</u></b>		
	Secure Residential @ 1 locker / unit	-	217
	Visitors racks @ 0.2 spaces / unit + 10% of Commercial off-street parking	-	47

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #12-04  
Four-Storey Mixed-Use Development  
2016 November 16 .....Page 11

6.7 **Communal Facilities**

Communal facilities are proposed for the ground floor in the form of an activity room and two guest suites. The proposed 192.7 m<sup>2</sup> (2,074.21 sq.ft.) of gross floor area to be exempted from F.A.R. calculations, is below the permitted maximum exemption of 278.7 m<sup>2</sup> (3,000 sq.ft.)

  
Lou Pelletier, Director  
PLANNING AND BUILDING

SMN:spf

***Attachments***

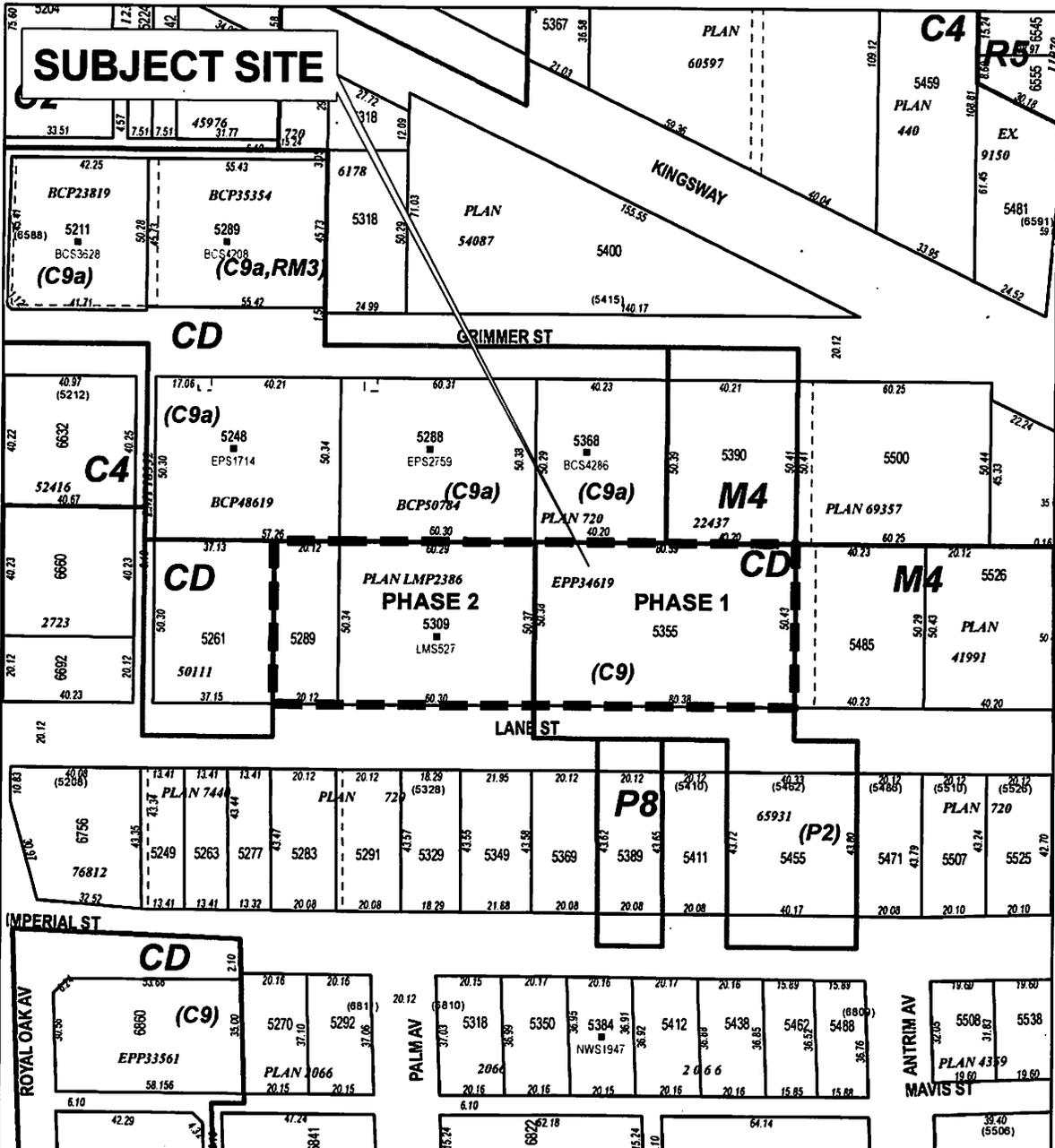
cc: Director Engineering  
Chief Licence Inspector  
City Solicitor  
City Clerk

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**REZONING REFERENCE #12-04  
SCHEDULE "A"**

5289 Lane Street	The West Half Of Lot 30, DL 94, Group 1, NWD Plan 720
5309 Lane Street	Strata Lot 1, DL 94, Group 1, NWD Strata Plan LMS527 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1
5355 Lane Street	Lot A, DL 94, Group 1, NWD Plan EPP34619

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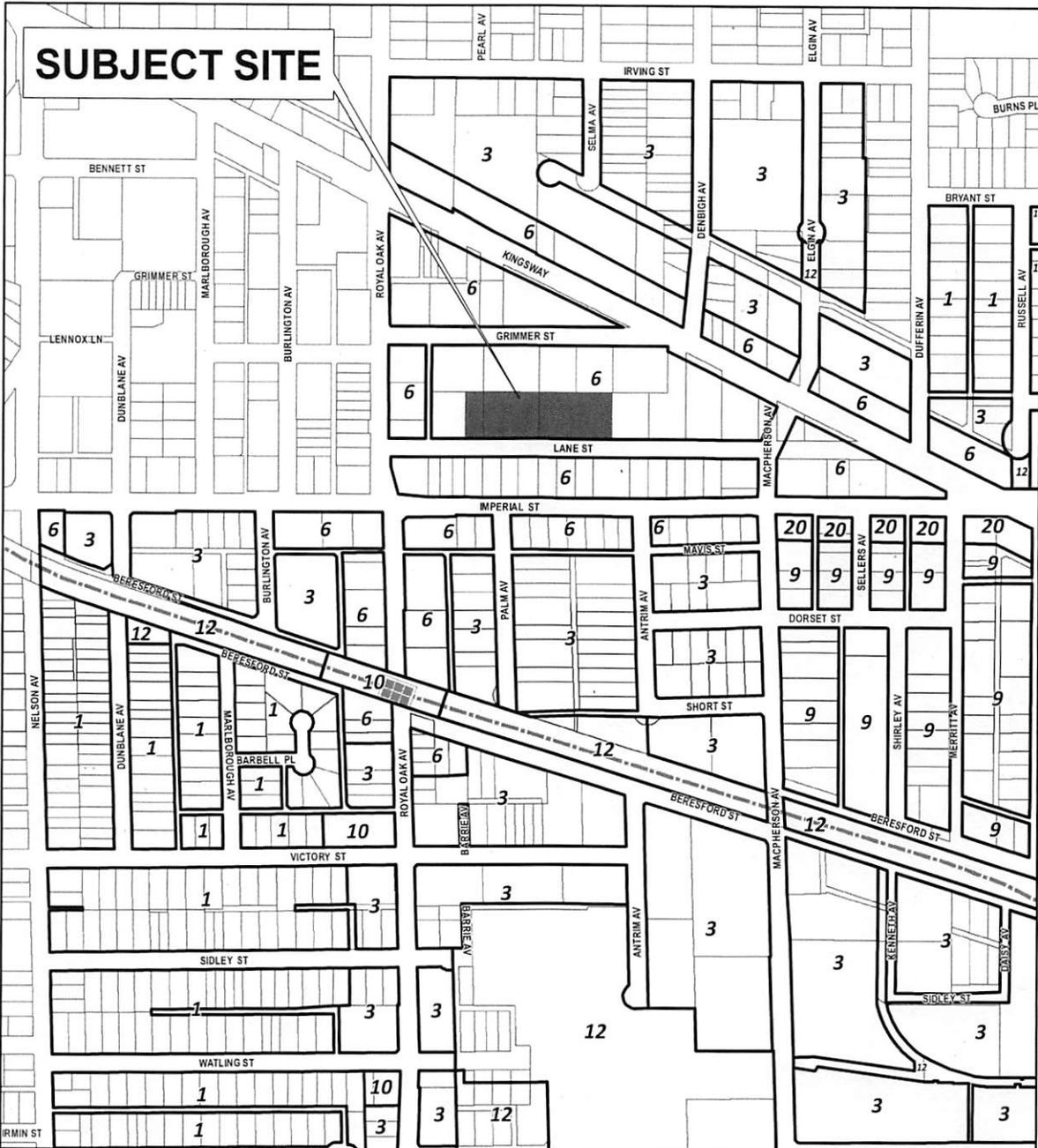


City of Burnaby

PLANNING & BUILDING DEPARTMENT

DATE: <p style="text-align: center;">SEP 22 2016</p>	<p><b>REZONING REFERENCE #12-04</b>  <b>5289, 5309 AND 5355 LANE STREET</b></p> <div style="display: flex; align-items: center; justify-content: center; margin-top: 10px;"> <div style="border: 2px dashed black; width: 20px; height: 20px; margin-right: 5px;"></div> <p>Subject Site</p> </div>
SCALE: <p style="text-align: center;">1:2,000</p>	
DRAWN BY: <p style="text-align: center;">AY</p>	

Sketch #1



**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

