



Item .....
Meeting .....2018 July 09

COUNCIL REPORT

**TO:** CITY MANAGER 2018 July 04

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #16-58**  
**New Child Care and Non-Market Rental Housing Uses**

**ADDRESS:** 3755 Banff Avenue (see *attached* Sketches #1 and #2)

**LEGAL:** Lot 133, DL 74, Group 1, NWD Plan 39624

**FROM:** P5 Community Institutional District

**TO:** CD Comprehensive Development District (based on RM3 Multiple Family Residential District and P5 Community Institutional District as guidelines, and in accordance with the development plan entitled "3755 Banff Avenue" prepared by Boni Maddison Architects)

**APPLICANT:** Boni Maddison Architects  
3725 West Broadway  
Vancouver, BC V6R 2C1  
(Attn: Anthony Boni)

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2018 July 24.

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**RECOMMENDATIONS:**

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2018 July 09 and to a Public Hearing on 2018 July 24 at 7:00 p.m.
2. **THAT** Council authorize staff to complete the necessary ground lease agreement, subdivision-road dedication, and rezoning for the subject City-owned property at 3755 Banff Avenue, as outlined in this report.
3. **THAT** Council approve the issuance of a Community Benefit Housing Fund grant to Burnaby Association for Community Inclusion (BACI) in the amount of \$1,726,287.00, as outlined in Section 3.3 of this report, subject to the completion of the rezoning.
4. **THAT** the following be established as prerequisites to the completion of the rezoning:
  - a. The submission of a suitable plan of development.

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- 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 demolition of the existing child care building from the site prior to Final Adoption but not prior to Third Reading of the Bylaw.
- e. The dedication of any rights-of-way deemed requisite.
- f. The granting of any necessary statutory rights-of-way, easements and/or covenants, including restricting enclosure of balconies and ensuring compliance with the accepted acoustical study.
- g. The review of a detailed Sediment Control System by the Director Engineering.
- h. The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.
- i. The registration of a new Lease Agreement, as outlined in Section 3.3 of this report.
- j. Compliance with Council-adopted sound criteria.
- 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 lease of the unit to a disabled person.
- m. The deposit of the applicable Parkland Acquisition Charge.
- n. The deposit of the applicable GVS & DD Sewerage Charge.

## REPORT

### 1.0 REZONING PURPOSE

The purpose of this rezoning amendment is to permit the redevelopment of a portion of the site to accommodate additional non-market rental housing units and replace the existing child care centre.

### 2.0 BACKGROUND

- 2.1 The subject site is a City-owned property that is leased to the Burnaby Association for Community Inclusion (BACI), a non-profit organization that supports people with developmental disabilities. The site is located on Banff Avenue between Canada Way and Woodsworth Street (see *attached* Sketch #1). It is currently improved with three low-rise buildings – one constructed in 1973 and two constructed in 1991, with various renovations performed over the years. To the north across Woodsworth Street and to the south across Canada Way are single family dwellings zoned R3 Residential District. Immediately to the west is the Canada Way Education Centre. Abutting the property to the east is an undeveloped City-owned property that is split zoned P2 Administration and Assembly District and R3 Residential District. A pathway is situated along the west property line of this undeveloped property, providing pedestrian access from Canada Way to Woodsworth Street and the single-family neighbourhood to the north. Vehicular access to the subject site is from Woodsworth Street.
- 2.2 The subject site is located in the Douglas-Gilpin neighbourhood within the southwest quadrant of the City and is in institutional use. The property is currently leased to BACI, with 15.5 years remaining on a 60 year lease. The site is improved with three buildings:
- **Variety Hotelier House Children's Centre.** This 559.7 m<sup>2</sup> (6,025 sq.ft.) building is located on the northern portion of the site and was constructed in 1973. Originally used for residential units, it was repurposed in 1991 as a licenced child care centre. The centre provided 36 child care spaces for children under the age of five. The building also contains one residential unit used for respite care. It is noted that child care services have relocated to 7200 Cariboo Road while the subject site is under rezoning.
  - **Filby Court Housing Development.** This two-storey, 748 m<sup>2</sup> (8,053 sq.ft.) apartment building is located at the southwest corner of the site. It provides nine units of affordable rental housing (six one-bedroom units and three two-bedroom units) for 12 residents with development disabilities who live independently. This building was constructed in 1991 along with the Amenity Building described below.



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- **Amenity Building.** A 72.8 m<sup>2</sup> (784 sq. ft.) amenity building is located at the centre of the site and is used by residents and neighbours.

2.3 On 2017 May 24, Council received the report of the Planning and Building Department regarding the rezoning of the subject site, and authorized the Department to continue 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. The preliminary development concept for the site encompasses the following:

- replacement of the existing childcare centre building, which has reached the end of its economic life, with a new mixed-use building that includes a new childcare centre for up to 36 children and new non-market rental housing units;
- development of a new non-market rental apartment building within the southeast portion of the site; and,
- retention of the existing Filby Court Housing Development (“Filby I”), which contains nine units including an accessible unit, as well as the Amenity Building.

BACI intends to develop the new non-market rental housing units within the site in partnership with BC Housing and the City. The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

### 3.0 GENERAL COMMENTS

3.1 The applicant is proposing to rezone the site to the CD Comprehensive Development District (utilizing the RM3 Multiple Family Residential District and P5 Community Institutional District as guidelines) in order to develop one two-storey mixed-use building to accommodate the replacement childcare centre (up to 36 children) and nine units of non-market rental housing (“Filby II”); one two-storey non-market rental apartment building with six units (“Filby III”); and, acknowledge the retention of the existing Filby Court Housing Development (“Filby I”) and Amenity Building within the site.

A total of 15 new non-market rental apartment units are proposed within the site, of which seven units are accessible and eight units are adaptable, for a total of 24 units within the site (including the nine existing non-market rental housing units within Filby I). It is noted that one of the units within Filby III is a three bedroom accessible unit that is to be licenced and staffed on a 24-hour basis in order to support individuals requiring long-term personal care and assistance. As such, for zoning classification purpose, this unit will be considered a “private hospital” unit, which is a permitted use in the P5 District. The P11e District minimum suite size standards are proposed for seven of the 15 new units: one studio unit and three one-bedroom unit in the Filby II building, and three studio units in the Filby III building. This smaller unit size standard is considered supportable as it adds to the range of unit size and affordability on the overall site. As

well, all residents will have access to the amenity building at the centre of the site. Landscape upgrades, including new trees, shrub, and gardening plots are proposed for the site.

A proposed reduction to parking and loading space requirements is supported by staff, given the specialized nature of the proposed rental housing and the minimal loading needs of the site. The applicant has provided a report from a transportation consultant confirming that the proposed number of parking and loading spaces are expected to meet user demand. Vehicular access to the site will continue to be from Woodsworth Avenue. Bicycle parking is proposed for both childcare and residential uses.

- 3.2 With respect to the proposed zoning for the site, the proposed underlying P5 District reflects the institutional nature of both the child care facility and the specialized housing on the site, while the RM3 District is proposed for inclusion as the specialized housing on site is primarily intended for individuals who live independently, without support (whereas the P5 District only permits housing with support). Overall, the rezoning proposal is considered supportable, as it allows replacement of an aging childcare facility and achieves new non-market rental housing units to support Burnaby residents with development disabilities, and is in line with established directions within the City's Social Sustainability Strategy.
- 3.3 As noted in this report, development of the proposed non-market rental housing is a partnership between BACI, BC Housing and the City. BACI, as the proponent, intends to extend its lease on the City-owned property for a 42-year term and develop the 15 additional non-market housing units. BC Housing has committed \$3.0 million in capital funding towards the project and for which Preliminary Project Approval has been issued.

Council has indicated support-in-principal for the allocation of Supplemental Community Benefit Bonus Housing Funds towards the project, for a total grant amount of \$1,726,287.00. This support-in-principle is subject to BACI achieving Final Adoption of the subject rezoning application and securing final capital funding approval from BC Housing.

Regarding the new ground lease, a prerequisite condition of the subject rezoning application will include registration of the new ground lease on the title of the subject property. Terms of the lease will include, but not be limited to the following:

- Land Lease: Duration of the land lease is 42 years for which BACI agrees to a pre-payment on the land lease in the amount of \$2,000,000.00 (\$500,000.00 at Final Adoption of the rezoning; \$1,500,000.00 at issuance of occupancy permit);
- Affordability levels of all non-market rental units are to be established by BACI and BC Housing. Rent rate increases are to be in compliance with the specific terms established between BACI and BC Housing for rental housing affordability, as

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outlined in their signed Investment in Housing Innovation (IHI) Operating Agreement;

- Construction and development of the site is to be in compliance with all City approvals including, rezoning, Preliminary Plan Approval and Building Permit (demolition and new construction). Commencement and completion of building construction are stipulated in the Building Permit:
  - 90 days (plus potential 90 days extension) to commence construction after Building Permit Issuance.
  - 24 months to complete construction and obtain occupancy permit (plus potential for extension at the discretion of Chief Building Inspector), but not exceeding 5 years.
- All land uses, buildings and structures on the site are to comply with the approved CD zoning and CD Plans: Non-market housing, private hospital, and child care facility, as well as compliance with all other pertinent City and Provincial Bylaws and regulations.

BACI has agreed to the above noted business terms of the new lease agreement, which is a prerequisite of this rezoning.

- 3.4 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:
- standard requirements for water main, sanitary sewers, and storm sewers;
  - upgrades to Woodsworth Street, including construction of a new concrete curb and gutter and provision of boulevard grass;
  - construction of a new interim standard sidewalk along the development frontage; and,
  - upgrade of the existing pedestrian pathway connection along the west side of the adjacent City-owned property at 4803 Canada Way, from Canada Way to Banff Avenue.
- 3.5 An approximate 2.5 m road dedication along Canada Way (to be confirmed by a detailed road geometric prepared by the applicant) is required to accommodate a future separated sidewalk.
- 3.6 Any necessary covenants are to be provided, including, but not necessarily limited to Section 219 Covenants restricting enclosure of balconies and ensuring compliance with the accepted acoustical study.



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- 3.7 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.
- 3.8 A suitable engineered design to the approval of the Director Engineering will be required for the on-site stormwater management system as well as a Section 219 Covenant to guarantee its provision and continuing operation. The deposit of sufficient monies to guarantee the provision of the stormwater drainage and landscape features will be required.
- 3.9 As the site is influenced by traffic noise from Canada Way, an acoustical report will need to be undertaken to ensure compliance with Council-adopted sound criteria.
- 3.10 Provision of an adequately sized and sited garbage handling and recycling material holding space, as well as separate car wash stalls are required.
- 3.11 The following Development Cost Charges apply:
  - Parkland Acquisition Charge
  - GVS & DD Sewerage Development Cost Charge
- 3.12 As outlined in Section 3.3 of this report, registration of a new ground lease on the title of the subject property is required.

#### 4.0 DEVELOPMENT PROPOSAL

- 4.1 Site Area - 4,377.4 m<sup>2</sup> (47,118 sq. ft.)
  - Road Dedication - 106.7 m<sup>2</sup> (1,148 sq. ft.)
- 6.2 Site Coverage - 30%
- 6.3 Density and Gross Floor Area - 0.54 FAR, 2,293.65 m<sup>2</sup> (24,687 sq. ft.)
  - RM3 Multi-Family - 0.41 FAR, 1,737.65 m<sup>2</sup> (18,704 sq. ft.)
  - P5 Institutional (child care and "private hospital" unit) - 0.13 FAR, 556 m<sup>2</sup> (5,985 sq. ft.)
- 6.4 Unit Mix
  - Filby I (Existing – no change)
    - 5 One BR units - 55.6 to 66.5 m<sup>2</sup> (598 to 716 sq. ft.) per unit
    - 1 One BR accessible unit - 70.2 m<sup>2</sup> (756 sq. ft.)
    - 3 Two BR units - 84.2 to 89.7 m<sup>2</sup> (941 to 965 sq. ft.) per unit
    - 9 units

Filby II (New mixed use building)

2 Studio units	- 34.0 to 47.8 m <sup>2</sup> (366 to 515 sq. ft.) per unit
2 One BR adaptable units	- 50.0 m <sup>2</sup> (538 sq. ft.)
2 One BR accessible units	- 52.9 to 60.0 m <sup>2</sup> (569 to 646 sq. ft.) per unit
<u>3 Two BR accessible units</u>	- 76.2 to 78.2 m <sup>2</sup> (820 to 842 sq. ft.) per unit
9 units	

Filby III (New residential building and private hospital unit)

3 Studio units	- 31.9 to 32.4 m <sup>2</sup> (343 to 349 sq. ft.) per unit
1 Studio accessible unit	- 39.1 m <sup>2</sup> (421 sq. ft.)
1 One BR unit	- 63.8 m <sup>2</sup> (687 sq. ft.)
1 Three BR accessible “private hospital” unit	- 125.0 m <sup>2</sup> (1,346 sq. ft.)
6 units	

**TOTAL NUMBER OF UNITS - 24 NON-MARKET RENTAL UNITS**  
*(including one private hospital)*

6.5 Building Height

Filby I (Existing – no change)	- 8.0 m (26.3 ft.) / two storeys
Filby II (New mixed use building)	- 10.0 m (32.9 ft.) / two storeys
Filby III (New residential building)	- 9.0 m (29.7 ft.) / two storeys

6.6 Vehicle Parking – Required and Provided

Residential – 23 units @ 0.8 spaces per unit	- 18 spaces
Private hospital – 1 unit @ 1 space per unit	- 1 space
Child care – 1 per 10 children, plus 1 per 2 staff	- 9 spaces
<b>Total Provided</b>	- <b>29 spaces</b>

6.7 Bicycle Parking – Required and Provided

Residential	- 5 Class A spaces, 4 Class B spaces
Child Care	- 2 Class A spaces, 2 Class B spaces



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6.8 Loading – Required and Provided

**Total Provided** - 1 Loading / Handi-Dart space

6.9 Residential Communal Facilities

The development includes an existing 72.8 m<sup>2</sup> (784 sq.ft.) residential amenity building at the centre of the site. Outdoor residential amenity areas are also provided, including two outdoor seating areas as well as gardening plots.

  
Lou Pelletier, Director  
PLANNING AND BUILDING

ZT:tn  
*Attachments*

cc: City Solicitor  
City Clerk



