



Item
Meeting..... 2019 October 28

COUNCIL REPORT

TO: CITY MANAGER 2019 October 23

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-13**
High-Rise Strata Apartment Building with Rental Apartment Podium
Metrotown Downtown Plan

ADDRESS: 4960 Bennett Street and Portion of Lane
(see *attached* Sketches #1 and #2)

LEGAL: Lot A (Explanatory Plan 29292), DL 152, Group 1, NWD Plan 4955

FROM: RM3 Multiple Family Residential District

TO: CD Comprehensive Development District (based on the RM5s Multiple Family Residential District, RM5r Multiple Family Residential District and Metrotown Downtown Plan as guidelines and in accordance with the development plan entitled "The Bennett" prepared by IBI Group)

APPLICANT: Ledingham McAllister Communities Ltd.
3rd Floor, 1285 West Pender Street
Vancouver, BC V6E 4B1
Attn: Steve Jedreich

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2019 November 19.

RECOMMENDATIONS:

1. **THAT** the introduction of a Highway Closure Bylaw be authorized in accordance with the terms outlined in Section 4.10 of this report, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. **THAT** the sale be approved in principle of City-owned property for inclusion within the subject development site in accordance with the terms out lined in Section 4.10 of this report, and subject to the applicant pursuing the rezoning proposal to completion.
3. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2019 November 4 and to a Public Hearing on 2019 November 19 at 6:00 p.m.

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4. **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 (as well as underground switching and transformer/service boxes in town centre locations), and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d) The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 4.4 of this report.
- e) The granting of any necessary statutory rights-of-way, easements and/or covenants in accordance with Section 4.11 of this report.
- f) The registration of a Housing Covenant and a Housing Agreement.
- g) The execution of a Tenant Assistance Plan, to the approval of the Director Planning and Building.
- h) The review of a detailed Sediment Control System by the Director Engineering.
- i) The submission of a stormwater and ground water management plan, 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.
- j) The submission of a suitable Solid Waste and Recycling plan to the approval of the Director Engineering.
- k) 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.
- l) The provision of covered car wash stalls 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.

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- m) The review of on-site residential loading facilities by the Director Engineering.
- n) The submission of a Public Art Plan.
- o) Compliance with the Council-adopted sound criteria.
- p) The provision of facilities for cyclists in accordance with this report.
- q) The undergrounding of existing overhead wiring abutting the site.
- r) Compliance with the guidelines for underground parking for visitors.
- s) The deposit of the applicable Parkland Acquisition Charge.
- t) The deposit of the applicable GVS & DD Sewerage Charge.
- u) The deposit of the applicable School Site Acquisition Charge.
- v) The deposit of the applicable Regional Transportation Cost Charge.
- w) 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.

R E P O R T

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a 35 storey high-rise strata apartment building and a six storey rental apartment podium.

2.0 POLICY FRAMEWORK

The proposed application is consistent with the site's designation in the Metrotown Downtown Plan. It also aligns with the following goals and sub-goals of City's Corporate Strategic Plan:

- **A Connected Community**
 - Social Connection – Enhance social connections throughout Burnaby.

- **A Dynamic Community**
 - Economic Opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries.
 - Community Development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging.
- **An Inclusive Community**
 - Serve a diverse community – Ensure City services fully meet the needs of our dynamic community.
 - Create a sense of community – Provide opportunities that encourage and welcome all community members and create a sense of belonging.

3.0 BACKGROUND

- 3.1 The subject site is within the Marlborough neighbourhood of the Metrotown Downtown Plan area (see *attached* Sketch #2). The site is currently improved with an older low-rise apartment building with 42 units. The adopted Metrotown Downtown Plan designates the subject site for high density multiple-family residential development under the CD Comprehensive Development District, utilizing the RM5s Multiple Family Residential District as a guideline. The adopted Plan identifies this neighbourhood as the eastern gateway into Metrotown. The scale and intensity of development in the Marlborough neighbourhood is intended to be distinctly lower than that of the Metro Downtown neighbourhood. With respect to building form, the subject site is designated for a high-rise residential apartment building with low-rise apartments, townhousing or row-housing podiums fronting Lobley Park.
- 3.2 In accordance with Council's recently adopted Rental Use Zoning Policy and Initial Implementation Framework, Stream 1 – Rental Replacement, and Stream 2 – Inclusionary Rental apply to the subject rezoning application. In this regard, the applicant is required to provide the greater of the 1:1 replacement of the existing rental units (42), or the equivalent of 20% of the proposed strata units (40) excluding units achieved using density offset. To ensure affordability, the required rental units are to be offered at the lesser of pre-development rents (subject to permitted Residential Tenancy Act increases) or 20% below Canada Mortgage and Housing Corporation (CMHC) average market rates for returning tenants, and 20% below CMHC average market rates for new tenants. To assist with the provision of the affordable housing, a density offset of 1.1 FAR is available to supplement the proposed strata units.
- 3.3 On 2018 April 04, Council received an initial rezoning report, Rezoning Reference #16-13, which proposed to rezone the subject site from its prevailing RM3 Multiple Family Residential District to the CD Comprehensive Development District, utilizing the RM5s Multiple Family Residential District and Metrotown Downtown Plan as guidelines.
- 3.4 The applicant has now submitted a plan of development that incorporates the Rental Use Zoning Policy and Initial Implementation Framework requirements and is suitable for presentation to a Public Hearing.

4.0 GENERAL COMMENTS

4.1 The applicant is proposing rezoning of the subject site to the CD Comprehensive Development District (based on the RM5s and RM5r Multiple Family Residential Districts and Metrotown Downtown Plan as guidelines). The proposed development plan is for a 35 storey strata apartment tower oriented towards Bennett Street and a six storey rental podium building fronting Lobley Park. A total of 285 units are proposed within the development. Vehicular access to the site is provided via Bennett Street.

4.2 Overall, the proposal is considered to embody exceptional urban design and architectural expression in terms of the building's siting, massing, pedestrian orientation and materiality, thus meeting the standards and objectives for such development in the Marlborough Neighbourhood. To complement and soften the urban environment, a progressive landscape treatment is proposed which includes boulevards and street trees along Bennett Street. On-site planting is integrated with the outdoor amenity spaces and Lobley Park, seating area, and water feature at the south end of the site adjacent to the proposed apartment building.

4.3 The CD (RM5s) District permits a maximum market residential density of 6.1 FAR (comprised of a maximum 3.4 FAR base density, maximum 1.6 FAR amenity density bonus, and maximum 1.1 FAR density offset for the provision of affordable rental housing). The CD (RM5r) District permits a maximum rental residential density of 2.2 FAR. The total potential density for the subject site is therefore 8.3 FAR.

The applicant is proposing 243 strata residential units using a market residential density of 6.1 FAR comprised of: 5.0 FAR of RM5s density inclusive of 1.6 FAR density bonus, and 1.1 FAR density offset for the provision of affordable rental housing. With respect to the rental component of the project, in accordance with Council's recently adopted Rental Use Zoning Policy and Initial Implementation Framework (Stream 1 – Rental Replacement and Stream 2 – Inclusionary Rental), the applicant is providing 42 replacement rental units as part of the development proposal, using 0.86 FAR of the RM5r rental density. All of these units are proposed at affordable rates in order to help meet the City's housing affordability objectives and to access the full 1.1 FAR density offset available under the RM5s District. The applicant is not requesting the use of any additional RMr density beyond that required for the replacement rental units. As such, the total residential density for this 285 unit project is 6.96 FAR, comprised of 6.1 FAR for 243 strata units and 0.86 FAR for 42 rental units.

4.4 As noted above, the applicant is proposing to use the amenity density provisions indicated within the Zoning Bylaw. In so doing, the applicant could achieve up to 5,434.92 m² (58,501 sq. ft.) of bonused gross floor area (GFA) included in the development proposal. The Realty and Lands Division of the Public Safety and Community Services Department will forward a separate report detailing the value of the density bonus for Council's consideration and approval prior to the subject amendment bylaw receiving Third Reading. The report to Council will be prepared once the Realty and Lands Division has concluded negotiations with the applicant. Council approval of the density bonus value is a prerequisite condition of the rezoning.

Under the Priority Amenity Program, the community benefit funds received will be directed into the Metrotown Town Centre Account to be utilized in the future to achieve priority amenities, as established by Council. In accordance with Council's adopted policy, 80% of the cash-in-lieu contributions are applied toward a Town Centre Account and 20% to the Community Benefit Bonus Housing Fund.

- 4.5 In accordance with the City's policy for adaptable units, a total of 56 units (20% of the total number of residential units) have been provided meeting adaptable standards. The unit mix for the adaptable units is split between 24 one-bedroom units and 24 two-bedroom units in the strata building, and four one-bedroom units and four two-bedroom units in the affordable rental building.
- 4.6 Given the site's location near the Metrotown SkyTrain Station (Expo Line SkyTrain), a parking ratio of 1.1 spaces per strata unit and 0.6 spaces per rental unit is considered appropriate. Of these ratios, 0.1 spaces per unit is for visitor parking. All residential spaces will be equipped with an individually metered energized outlet capable of providing a Level 2 or higher charging level for an electric vehicle, in accordance with the Burnaby Zoning Bylaw.

To supplement the proposed parking standard, the applicant will be providing a comprehensive Transportation Demand Management (TDM) strategy. This includes the provision of:

- a transit pass fund equivalent to two zone monthly passes for 15% of the strata residents for two years;
- two secured bicycle parking spaces per unit for both rental and strata residents; and
- the provision of a fund to support car share, equivalent to one car and space per 100 units, with memberships available to all strata and rental residents. Should a car share program not be available on this site, the value of the vehicles may be utilized toward driving credits for car share, or additional funding for transit pass subsidies. This arrangement would provide access to alternative transportation for a greater number of residents.

A communications strategy that provides all building residents and management companies (i.e. strata lot owners, strata corporation, strata management company, tenants, and rental management company) an understanding of how best to utilize each of the alternative transportation options will be provided as part of the overall Transportation Demand Management Strategy. A Section 219 Covenant and sufficient financial securities will be required to guarantee the provision of these measures.

- 4.7 The developer has committed to demonstrating sustainability through building design, materiality and efficiency (water, energy and waste management) initiatives. The applicant has indicated that both buildings will meet Step 1 of the BC Energy Step Code. The applicant will provide an energy model prior to Final Adoption and conduct air tightness testing prior to occupancy in accordance with the approved Step.

- 4.8 The Director Engineering will assess the need for any further required services to the site, including, but not necessarily limited to:
- construction of Bennett Street to its final Town Centre two lane collector standard including sidewalk, cycle track, front boulevard, pedestrian lighting, rain water amenities, curb bulges, and street trees; and,
 - storm sewer, sanitary sewer and water main upgrades as required.
- 4.9 A 1.5m (5 ft.) dedication, equaling 71.28 m² (767 sq.ft.) in area, is required along the Bennett Street frontage to accommodate the Town Centre urban treatment standard.
- 4.10 The closure of a redundant portion of City-owned lane right-of-way measuring approximately 204.39 m² (2,200 sq.ft.), and its consolidation with the development site is proposed. A separate report detailing the value and sale of the surplus lane right-of-way will be forwarded to Council for consideration and approval prior to the subject amendment bylaw receiving Third Reading. Council approval of the value of the surplus right-of-way is a prerequisite of the rezoning.
- 4.11 Any necessary easements and covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:
- a Section 219 Covenant restricting enclosure of balconies;
 - a Section 219 Covenant indicating that project surface driveway access will not be restricted by gates;
 - a Section 219 Covenant restricting the use of guest rooms;
 - a Section 219 Covenant ensuring compliance with the approved acoustical study;
 - a Section 219 Covenant guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - a Section 219 Covenant ensuring that all accessible parking stalls in the underground residential parking area be held in common property to be administered by the Strata Corporation;
 - a Section 219 Covenant to protect the tree root zones of identified trees within Lobley Park;
 - a Section 219 Covenant guaranteeing the provision and ongoing maintenance of public art;

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- a Section 219 Covenant ensuring that the density of development of airspace parcels and strata lots comply with the approved CD zoning for the site and to ensure that the overall site continues to function as a single, integrated development;
 - an easement in favor of 4930 Bennett Street for vehicular access; and,
 - a statutory right of way over the driveway to provide access for passenger vehicles, solid waste and recycling vehicles, and residential loading vehicles that serve 4930 Bennett Street.
- 4.12 The registration of a Housing Covenant and Housing Agreement will be required to protect and regulate affordability measures of the affordable rental units. Terms of the Housing Agreement are to be established prior to Third Reading of the Rezoning Bylaw. A separate report detailing the terms of the Housing Agreement will be forwarded to Council for consideration and approval prior to the subject amendment bylaw receiving Third Reading. Council consideration and approval of a Housing Agreement Bylaw will be required as a condition of Final Adoption.
- 4.13 The applicant has been informed that submission of a Tenant Assistance Plan that meets, in principle, the City's forthcoming updated Tenant Assistance Policy will be required.
- 4.14 Due to the proximity of the subject site to Kingsway, the applicant is required to provide an acoustical study showing that the proposed development would meet the Council-adopted noise criteria.
- 4.15 Provision of three car wash stalls is required.
- 4.16 As the site will be extensively excavated for development, a tree survey will be required identifying trees to be removed from the site. A tree retention area adjacent Lobley Park has been identified and will be protected by a Section 219 Covenant, with chain link fencing to be installed prior to demolition. The applicant will be required to obtain a tree removal permit for all trees over 20 cm (8 inches) in diameter. A detailed landscape and tree planting plan has been provided as part of the suitable plan of development to replace existing trees to be removed from the site.
- 4.17 The submission of a groundwater and stormwater management study is required. 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.
- 4.18 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.

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4.20 The submission of a detailed residential loading management plan to the approval of the Director Engineering is required.

4.21 Applicable Development Cost Charges are:

- a) Parkland Acquisition Charge;
- b) School Site Acquisition Charge;
- c) GVS&DD Sewerage Charge; and
- d) Regional Transportation Charge.

5.0 DEVELOPMENT PROPOSAL

5.1 Gross Site Area **3,396.81 m² (36,563 sq.ft.)**

Site Area	3,192.44 m ² (34,363 sq.ft.)
Dedications	71.28 m ² (767 sq.ft.)
Road Closure Area	204.39 m ² (2,200 sq.ft.)
Net Site Area (subject to detailed survey)	3,325.53 m ² (35,796 sq.ft.)

5.2 Site Coverage 29%

5.3 Density **6.96 FAR total**

RM5s District – Market Density
 Strata Density

5.00 FAR (inclusive of 1.6 FAR
 amenity bonus)

Affordability Offset Density

1.10 FAR

Subtotal

6.10 FAR

RM5r – Rental Density

0.86 FAR

5.4 Gross Floor Area **23,627.7 m² (254,326 sq.ft.) total**

RM5s Strata Building

20,721.7 m² (223,046 sq.ft.)

- Amenity space exemption

387.4 m² (4,170 sq.ft.)

- Adaptable unit exemption

120.9 m² (1,301 sq.ft.)

RM5r Rental Building

2,906.00 m² (31,280 sq.ft.)

- Amenity space exemption

93.82 m² (1,010 sq.ft.)

- Adaptable unit exemption

14.87 m² (160 sq.ft.)

5.5 Building Height:

Strata Building

35 Storeys

Rental Building

6 Storeys

5.6 Unit Mix:

285 units total

Strata Building

44 – 1 Bedroom + Den units

57.60 – 57.69 m² (620 – 621 sq.ft.)

24 – 1 Bedroom + Den units (adaptable)

57.60 – 57.69 m² (620 – 621 sq.ft.)

150 – 2 Bedroom units

68.47 – 102.94 m² (737 – 1,108 sq.ft.)

24 – 2 Bedroom units (adaptable)

68.47 – 102.94 m² (737 – 1,108 sq.ft.)

1 – 3 Bedroom

128.11 m² (1,379 sq.ft.)

243 Total Strata Units

Rental Building

5 - Studio Units

45.61 m² (491 sq.ft.)

21 - 1 Bedroom units

50.26 – 54.53 m² (541 – 587 sq.ft.)

4 - 1 Bedroom units (adaptable)

50.26 – 54.53 m² (541 – 587 sq.ft.)

8 - 2 Bedroom units

66.23 m² (713 sq.ft.)

4 - 2 bedroom units (adaptable)

66.23 m² (713 sq.ft.)

42 Total Rental Units

5.7 Vehicle Parking

Total Required:

293 spaces

- 243 strata units @ 1.0 spaces per unit

243 spaces

- 42 rental units @ 0.5 spaces per unit

21 spaces

- Visitor parking @ 0.1 spaces per residential unit

29 spaces

Total Provided:

319 spaces

- Strata

266 spaces (plus two car wash stalls)

- Rental

25 spaces (plus one car wash stall)

- Visitor parking

28 spaces

5.8 Bicycle Parking:

Total Required:

627 spaces

- Secured residential:

285 units @ 2.0 spaces per unit

570 spaces

- Visitor spaces

285 units @ 0.2 spaces per unit

57 spaces

Total Provided:

627 spaces

- Secured residential:

570 spaces

- Visitor spaces

57 spaces

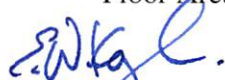
5.9 Residential Loading

2 spaces required and provided

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5.10 Communal Facilities (excluded from FAR Calculations)

Primary communal facilities for the strata building are on levels 1 and 7, while communal facilities for the rental building are located within the podium on level 1. The amenities include amenity lobbies, multi-purpose rooms, a fitness gym, and a guest suite. An outdoor amenity area is also located on the rental podium roof deck on level 7. The total amenity area amounts to 481.25 m² (5,180 sq.ft.) which is less than the 1,181.38 m² (12,716 sq. ft.), or 5% of Gross Floor Area, that is permitted to be exempted as amenity space within the Zoning Bylaw.

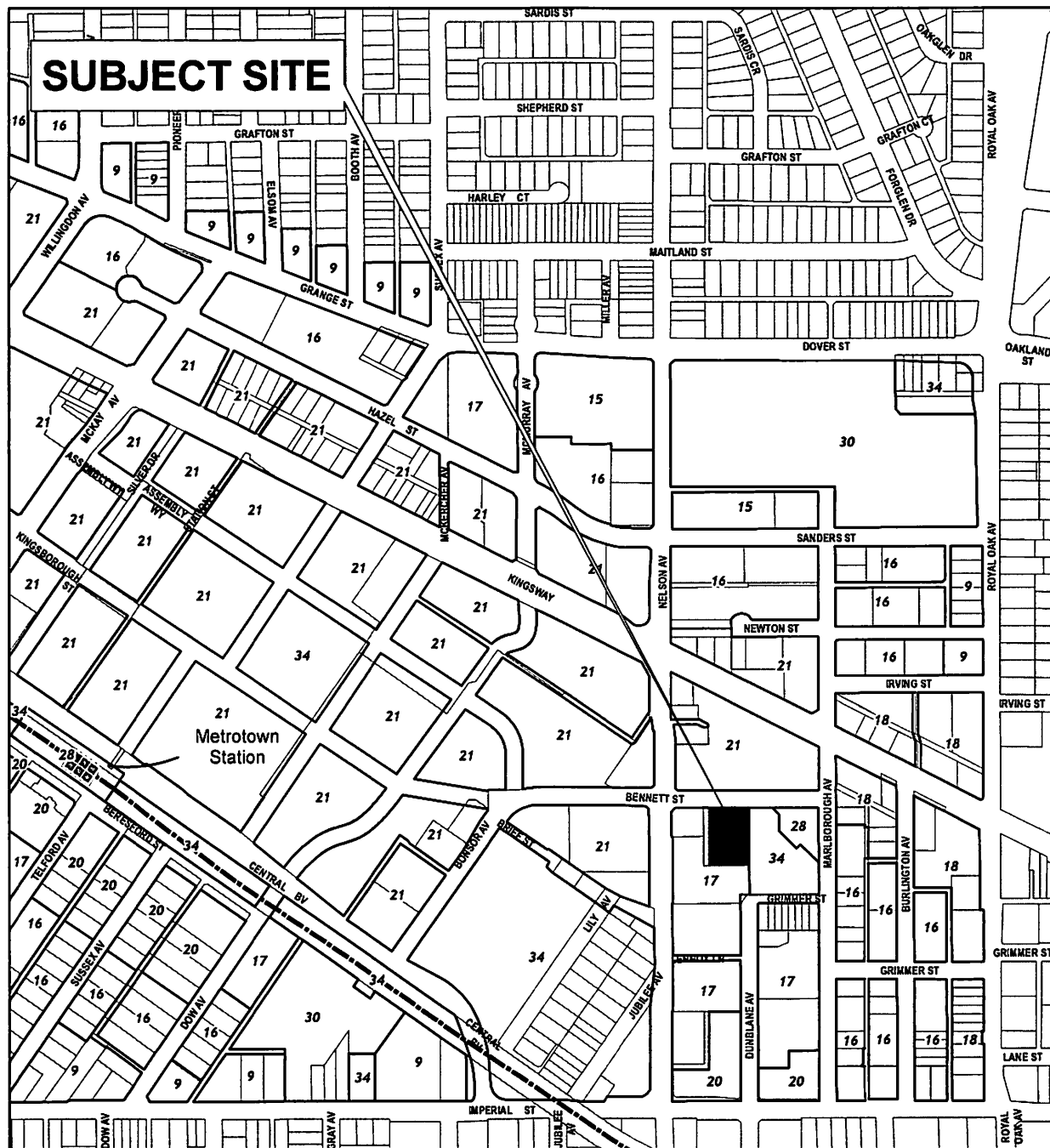


E.W. Kozak, Director
PLANNING AND BUILDING

JBS/KH:

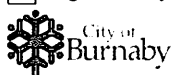
Attachments

cc: City Solicitor
City Clerk



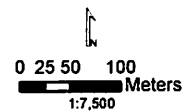
- 9** Medium Density Residential (RM3s)
- 15** High Density Residential (RM5)
- 16** High Density Residential (RM4s)
- 17** High Density Residential (RM5s)
- 18** High Density Mixed Use (RM4s/C2)
- 19** High Density Mixed Use (RM4s/C3)

- 20** High Density Mixed Use (RM5s/C2)
- 21** High Density Mixed Use (RM5s/C3)
- 28** Institutional
- 30** Public School (P3)
- 34** Park and Public Use (P3)



Planning and Building Dept

Metrotown Plan



Printed on March 19, 2018

Sketch #2