



Item
Meeting 2020 June 22

COUNCIL REPORT

TO: CITY MANAGER 2020 June 17

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #17-40**
High-Rise Strata Tower and Low Rise Non Market Rental
Metrotown Downtown Plan

ADDRESS: 5895 Barker Avenue, Portion of Olive Avenue ROW and Lane ROW
(see *attached* Sketches #1 and #2)

LEGAL: Lot 102, District Lot 151, Group 1, NWD Plan 34852

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 “Barker + Olive” prepared by IBI Group)

APPLICANT: Concord Barker Project Limited Partnership
9th Floor – 1095 Pender Street
Vancouver, BC V6E 2M6
Attn: Matthew Meehan

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2020 July 28.

RECOMMENDATIONS:

1. **THAT** the introduction of a Highway Closure Bylaw be authorized according to the terms outlined in Section 4.7 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 lane in accordance with Section 4.7 of this report, and subject to the applicant pursuing the rezoning proposal to completion.

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #17-40
2020 June 22Page 2

3. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2020 July 06 and to a Public Hearing on 2020 July 28 at 5:00 p.m.

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 completion of the Highway Closure Bylaw.
 - f) The completion of the sale of City property.
 - g) The consolidation of the net project site into one legal parcel.
 - h) The granting of any necessary statutory rights-of-way, easements and/or covenants, in accordance with Section 4.12 of this report.
 - i) The registration of a Housing Agreement and Housing Covenant and Council consideration and approval of a Housing Agreement Bylaw as described in Section 4.8 of this report.
 - j) The execution of a Tenant Assistance Plan, in accordance with Council adopted policies.
 - k) The review of a detailed Sediment Control System by the Director Engineering.
 - l) 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.

- m) Compliance with the City’s Groundwater Management for Multi-Family Development guidelines is required.
- n) The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- o) 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, and allocated disabled persons parking spaces.
- p) 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.
- q) The review of on-site residential loading facilities by the Director Engineering.
- r) Compliance with the Council-adopted sound criteria.
- s) The provision of facilities for cyclists in accordance with this report.
- t) The submission of a Public Art Plan.
- u) The undergrounding of existing overhead wiring abutting the site.
- v) Compliance with the guidelines for underground parking for visitors.
- w) The deposit of the applicable Parkland Acquisition Charge.
- x) The deposit of the applicable GVS & DD Sewerage Charge.
- y) The deposit of the applicable School Site Acquisition Charge.
- z) The deposit of the applicable Regional Transportation Cost Charge.
- aa) 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 single 42-storey high-rise strata apartment building with a separate six-storey non-market rental apartment building.

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 development site is within the Central Park East neighbourhood of the Metrotown Downtown Plan area (see *attached* Sketch #2). The adopted Plan identifies this neighbourhood as a high density neighbourhood with a garden-like setting that is defined by its relationships to Central Park, Kingsway, the BC Parkway and Patterson SkyTrain Station. Specifically, high density multiple-family residential developments east of Central Park are intended to have a tranquil park-like neighbourhood character, enhanced with publicly accessible parkettes, as well as pedestrian and cycling linkages, which connect to Central Park, Kinnee Park, the BC Parkway and other parks within Metrotown. With respect to building form, such developments are intended for high-rise residential apartment buildings with low-rise apartments, townhousing or row-housing podiums fronting bounding streets.

3.2 The adopted Plan designates the subject development site for high density multiple-family residential development under the CD Comprehensive Development District, utilizing the RM5s and RM5r Multiple Family Residential Districts as a guidelines. Under the ‘s’ zoning category, there is an expectation of significant community benefits, a sustainable redevelopment approach, exceptional public realm improvements, high quality urban design and superior architectural expression to be derived from the project.

In accordance with Council’s recently adopted Finalized Rental Use Zoning Policy, 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 existing rental units, or the equivalent of 20% of the proposed strata units, excluding units achieved using density offset. To ensure affordability, the required rental units are to be offered at pre-development rents (subject to permitted Residential Tenancy Act increases) for returning tenants, and 20% below CMHC median market rates for new tenants. To assist with the provision of the affordable housing, a density offset of 1.1 FAR is available.

3.3 On 2018 January 29, Council received an initial rezoning report for the subject rezoning application (Rezoning Reference #17-40). The applicant has now submitted a plan of development that incorporates the requirements of the Rental Use Zoning Policy, including the provision of rental units utilizing the RM5r Multiple Family Residential District, and is suitable for presentation to a new Public Hearing.

4.0 GENERAL COMMENTS

4.1 The proposed development plan is for a single 42-storey apartment tower, located centrally on the site fronting Barker Avenue, and a six-storey non-market rental building fronting Olive Avenue. All parking is to be provided underground with vehicular access provided via a reciprocal access statutory right-of-way along the north property line that will also serve the adjacent development at 5852 Patterson Avenue (Rezoning Reference #17-35). Access to the site to the south at 5932 Patterson Avenue will also be provided by way of a statutory right-of-way over the subject site. A total of 314 strata units and 52 rental units are proposed within the development (of which 20% are adaptable).

4.2 The proposed building’s siting, massing, pedestrian orientation and materiality meet the standards and objectives for such development in the Central Park North Neighbourhood. The ground level townhouse and apartment forms provide a low rise base in response to the transitional nature of this area from high to medium density. To complement and soften the urban environment, a progressive landscape treatment is proposed which includes rain gardens and street trees along Barker Avenue and Olive Avenue. On-site planting is integrated with the outdoor amenity spaces, including children’s play facilities.

4.3 Given the site’s Town Centre location, the adopted plan designates a total maximum strata market density (RM5s) of 6.10 FAR inclusive of 2.2 FAR base density, 0.40 FAR

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #17-40
2020 June 17Page 6

base bonus, 1.20 FAR supplemental base and 1.20 supplemental bonus, as well as 1.1 FAR density offset for provision of the required replacement and inclusionary rental units. The total maximum rental density (RM5r) attributed to the site is 2.2 FAR.

The applicant is proposing 314 market residential units using a density of 6.10 FAR comprised of 5.0 FAR of the RM5s District and 1.1 FAR of the density offset. With respect to the rental component of the project, in accordance with Council's adopted Rental Use Zoning Policy, Stream 1 – Rental Replacement and Stream 2 – Inclusionary Rental, the applicant is providing 48 replacement rental units plus four inclusionary rental units as part of the development proposal, utilizing 0.76 FAR of the RM5r rental density. The 48 replacement rental units and four inclusionary rental units are proposed at below market rates (pre-development rents for returning tenants subject to RTA rental increases during construction), and 20% below CMHC median market rates for new tenants) 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.

- 4.4 Given the site's Town Centre location, the applicant is proposing to utilize the allowable bonus density provisions (1.6 FAR) indicated within the Zoning Bylaw. In so doing, the applicant is proposing 6,890.62 m² (74,170 sq.ft.) of bonused gross floor area (GFA) included in the development proposal. The Realty and Lands Division of the Department of Public Safety and Community Services 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.

In accordance with Council's adopted policy, 80% of the cash-in-lieu contributions are applied toward the City-Wide Community Benefit Bonus Reserve, to be utilized in the future to achieve priority amenities as established by Council. Twenty percent of the cash-in-lieu contributions will be applied to the Community Benefit Bonus Affordable Housing Reserve.

- 4.5 It is intended that the overall project accommodates a broad spectrum of housing needs. To support this, the one bedroom unit sizes are generally based on the Zoning Bylaw minimum unit sizes for such dwellings in the P11e District, which requires a minimum area of 50 m² (538 sq.ft.). The smaller one bedroom units are intended to provide a level of affordability for new home ownership, providing access to the market for first time home buyers. To offset the number of smaller one bedroom units, a commensurate number of larger three bedroom units is proposed.

- 4.6 The Director Engineering will assess the need for any further required services to the site, including, but not necessarily limited to:
 - construction of Barker Avenue to the Town Centre local road standard with separated sidewalks, street trees, rain gardens, and street and pedestrian lighting;

- construction of Olive Avenue to the Town Centre local road standard with separated sidewalks, street trees, rain gardens, and street and pedestrian lighting;
 - construction of a portion of lane; and,
 - storm, sanitary sewer and water main upgrades as required.
- 4.7 No dedication is required across the frontages of the subject development site. The closure of redundant portions of Barker Avenue and the surrounding lanes, measuring approximately 1,377.01 m² (14,822 sq. ft.), and their consolidation with the development site is proposed. A separate report detailing the value and sale of the surplus road and lane right-of-way area 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 condition of the rezoning.
- 4.8 The registration of a Housing Covenant and a Housing Agreement will be required to protect and regulate rent levels and tenure of the below market rental units. In terms of affordability levels, rental rates for returning tenants will be the same or similar to prior rents (subject to RTA rental increases during construction), and for vacant units rental rates would meet the City's requirements of 20% below CMHC Market median rates. The 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 rezoning Final Adoption.
- 4.9 Given the site's location near the Patterson SkyTrain Station (Expo Line SkyTrain), a parking ratio of 1.1 spaces per strata unit and 0.4 spaces per rental unit has been proposed by way of a parking study and 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 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 and 100% of the rental units for two years to encourage an alternative to car use and ownership;
- 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.

- 4.10 The developer has committed to demonstrating sustainability through building design, materiality and efficiency (water, energy and waste management) initiatives. Due to the date of application, 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.
- 4.11 In accordance with the City’s policy for adaptable units, a total of 73 units (20% of the total number of residential units) is required and has been provided to meet adaptable standards. The unit mix for the adaptable units is split between 31 studio units and 32 two bedroom + den units in the market strata building, and five one bedroom units and five two bedroom units in the affordable rental building. For adaptable 1 bedroom units, 20 sq. ft. is exempt from FAR. The exemption for two bedroom adaptable units is 30 sq.ft., and three bedroom units is 40 sq.ft., provided that a second bedroom is also adaptable. In total, the FAR exemption is 291.72 m² (1,830 sq.ft.). A total of 44 accessible parking stalls is required, 37 allocated to the strata building and seven stalls allocated to the non-market rental building. The handicap parking stalls will be protected by a Section 219 Covenant as common property to be administered by the Strata Corporation and rental housing operator.
- 4.12 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 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 the proposed rental building will not be stratified;
 - a Section 219 Covenant ensuring that 44 handicap accessible parking stalls in the underground residential parking areas be held in common property to be administered by the Strata Corporation and rental housing operator;
 - 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;

- a Section 219 Covenant guaranteeing the provision and ongoing maintenance of public art;
 - a 6.1m (20 ft.) Statutory Right-of-way and easement is required across the north property line, and a portion of the south property line to provide vehicular access to 5852 and 5932 Patterson Avenue, and,
 - a 3.0m (9.8 ft.) Statutory Right-of-way for sanitary sewer.
- 4.13 Due to the proximity of the subject site to the Expo SkyTrain Line and Kingsway, the applicant is required to provide an acoustical study showing that the proposed development would meet the Council-adopted noise criteria.
- 4.14 Provision of four separate car wash stalls is required for the residential development.
- 4.15 As the site will be fully excavated for development, a tree survey will be required identifying trees to be removed from the site. 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.
- 4.16 The submission of a groundwater and storm water management plan is required. As well, 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.
- 4.17 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.
- 4.18 The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering is required.
- 4.19 The submission of a detailed residential loading management plan to the approval of the Director Engineering is required.
- 4.20 Bicycle storage lockers and surface parking racks are to be provided for the residential occupants and visitors of the development.
- 4.21 A Tenant Assistance Plan, in line with Council's adopted policy, has been submitted.
- 4.22 Applicable Development Cost Charges are:
a) Parkland Acquisition Charge
a) School Site Acquisition Charge
b) GVS&DD Sewerage Charge

c) Regional Transportation Charge

5.0 DEVELOPMENT PROPOSAL

5.1 Site Area (subject to detailed survey)

5895 Barker Avenue	-	2,929.60 m ² (31,534 sq.ft.)
Road Closure Area	-	1,377.01 m ² (14,822 sq.ft.)
TOTAL	-	4,306.61m² (46,356 sq.ft.)

5.2 <u>Site Coverage</u>	-	25%
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5.3 Density and Gross Floor Area

Overall Residential Density	-	6.86 FAR
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Market Residential Tower

Residential Gross Floor Area	-	26,266.66 m ² (282,772 sq.ft.)
Residential Amenity Space (Exempt from FAR calculations)	-	1,284.2 m ² (13,823 sq.ft.)

Adaptable Unit FAR Exemption	-	146.79 m ² (1,580 sq.ft.)
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Non-Market Rental Apartment Building

Non-Market Residential Gross Floor Area	-	3,292.48 m ² (35,440 sq.ft.)
Residential Amenity Space (Exempt from FAR calculations)	-	49.61 m ² (534 sq.ft.)

Adaptable Unit Exemption	-	33.45 m ² (360 sq.ft.)
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5.4 Residential Unit Mix

Market Residential Tower

<u>Unit Type</u>	<u>Unit Size</u>
41 – Three bedroom units	- 93.2 – 149 m ² (1,003 – 1,608 sq. ft.)
32 – Two bedroom and den units (<i>adaptable</i>)	- 82.9 m ² (893 sq. ft.)
7 – Two bedroom and den units	- 82.9 m ² (893 sq. ft.)
78 – Two bedroom units	- 71.5 – 77.5 m ² (770 – 834 sq. ft.)
78 – One bedroom and den units	- 65.0 – 66.6 m ² (699 – 717 sq. ft.)
39 – One bedroom units (<i>P11e</i>)	- 50.1 m ² (539 sq. ft.)
31 – Studio units (<i>adaptable</i>)	- 46.5 m ² (501 sq. ft.)
8 – Studio units	- 46.5 m ² (501 sq. ft.)

Total Number of Market Units: 314

Non-Market Rental Apartment Building

<u>Unit Type</u>	<u>Unit Size</u>
5 – Two bedroom units (<i>adaptable</i>)	- 65 m ² (700 sq.ft.)
8 – Two bedroom units	- 65 m ² (700 sq.ft.)
3 – One bedroom + den units	- 56.8 ² (612 sq.ft.)
5 – One bedroom (<i>adaptable</i>)	- 50 m ² (539 sq.ft.)
28 – One bedroom units	- 50 m ² (539 sq.ft.)
3 – Studio units	- 43 m ² (462 sq.ft.)

Total Number of Non-Market Units: 52

Overall Unit Count: 366 units

5.5 Building Height

Market Residential Tower	42 storeys
Non-Market Apartment Building	6 storeys

5.6 Vehicle Parking

Market Residential Tower

	<u>Required and Provided</u>
314 units @ 1.0 spaces per unit:	314 spaces

Non-Market Rental Apartment Building

Required and Provided

52 units @ 0.3 spaces per unit: 16 spaces

Visitor Parking – Market Residential and Rental

Required and Provided

366 units @ 0.1 spaces per unit: 37 spaces

5.7 Bicycle Parking/Storage Area

Market Residential Tower

Required and Provided

314 units @ 2 spaces per unit: 628 spaces

Visitor Bicycle Parking

Required and Provided

314 units @ 0.2 spaces per unit: 62 spaces

Non-Market Rental Apartment Building

Secured Bicycle Parking (lockers)

Required and Provided

52 units @ 2 spaces per unit: 104 spaces

Visitor Bicycle Parking

Required and Provided

52 units @ 0.2 spaces per unit: 10 spaces

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #17-40
2020 June 17 Page 13

5.8 Communal Facilities (Excluded from FAR Calculations)

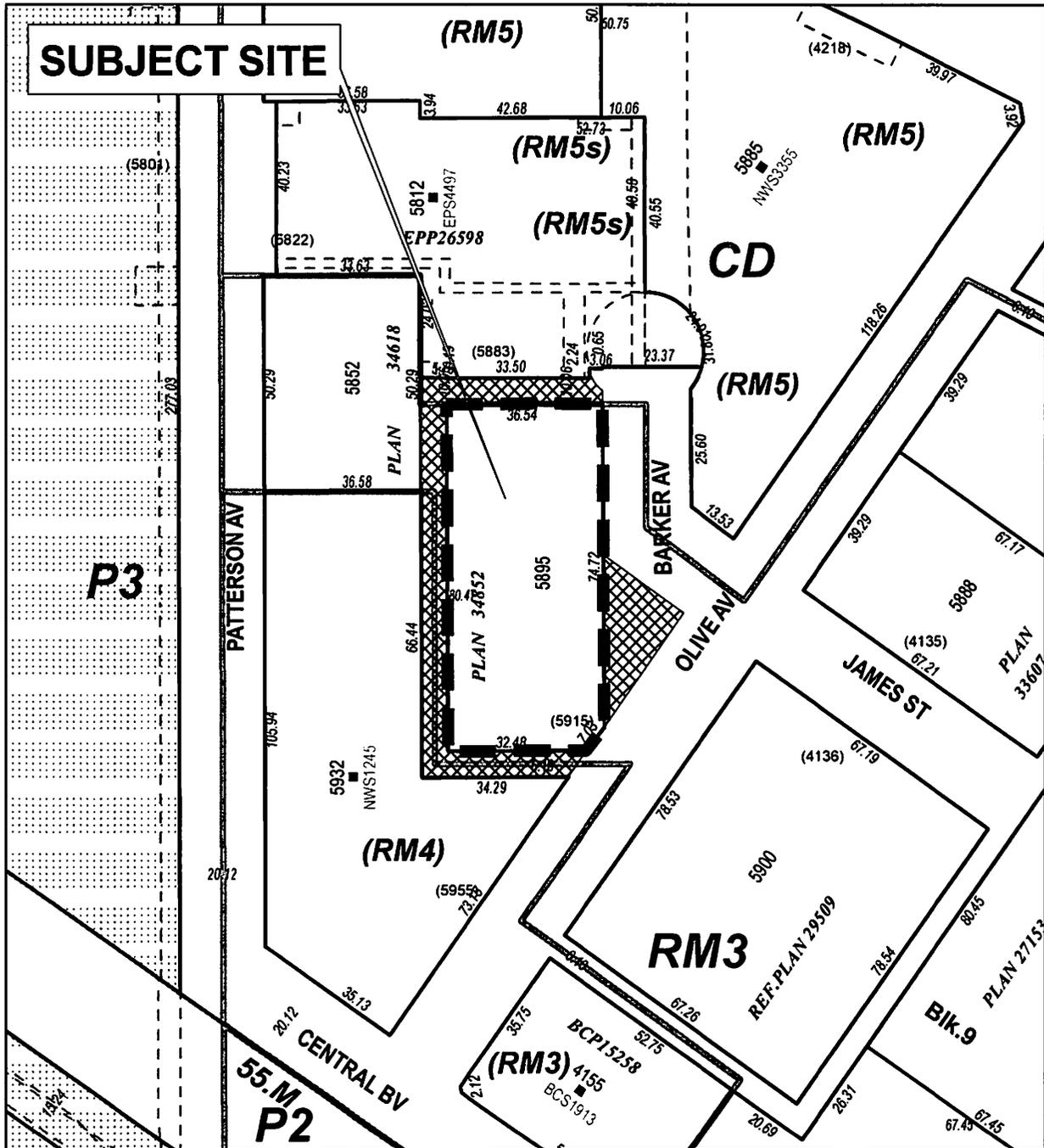
Primary communal facilities for the residential apartment building residents are located over three levels; on the main floor, including an amenity lobby, mail room, concierge, lounge, party room, communal kitchen, and karaoke/music room; on the second floor is a yoga room, gym / fitness room, games room, meeting room, study/business room, virtual golf, and guest room; on the third floor is an indoor swimming pool, spa, washroom facilities, outdoor putting green, deck, and fitness zone. The rental building includes a party room and amenity lobby/common area on the ground floor. The total amenity area amounts to 1,333.81 m² (14,357 sq.ft.), which is less than the maximum 5%, or 1,477.16 m² (15,900 sq.ft.), exemption from Gross Floor Area permitted within the Zoning Bylaw. Outdoor amenities for the development include a dog walking area, children’s play area for both rental and strata residents, and amenity dining area and patios with direct access off the indoor amenity space.


E. W. Kozak, Director
PLANNING AND BUILDING

JBS:

Attachments

- cc: Director Engineering
- Director Public Safety and Community Services
- City Solicitor
- City Clerk



PLANNING & BUILDING DEPARTMENT



Date: JUN 12 2020
 scale: 1:1,500
 Drawn By: JS

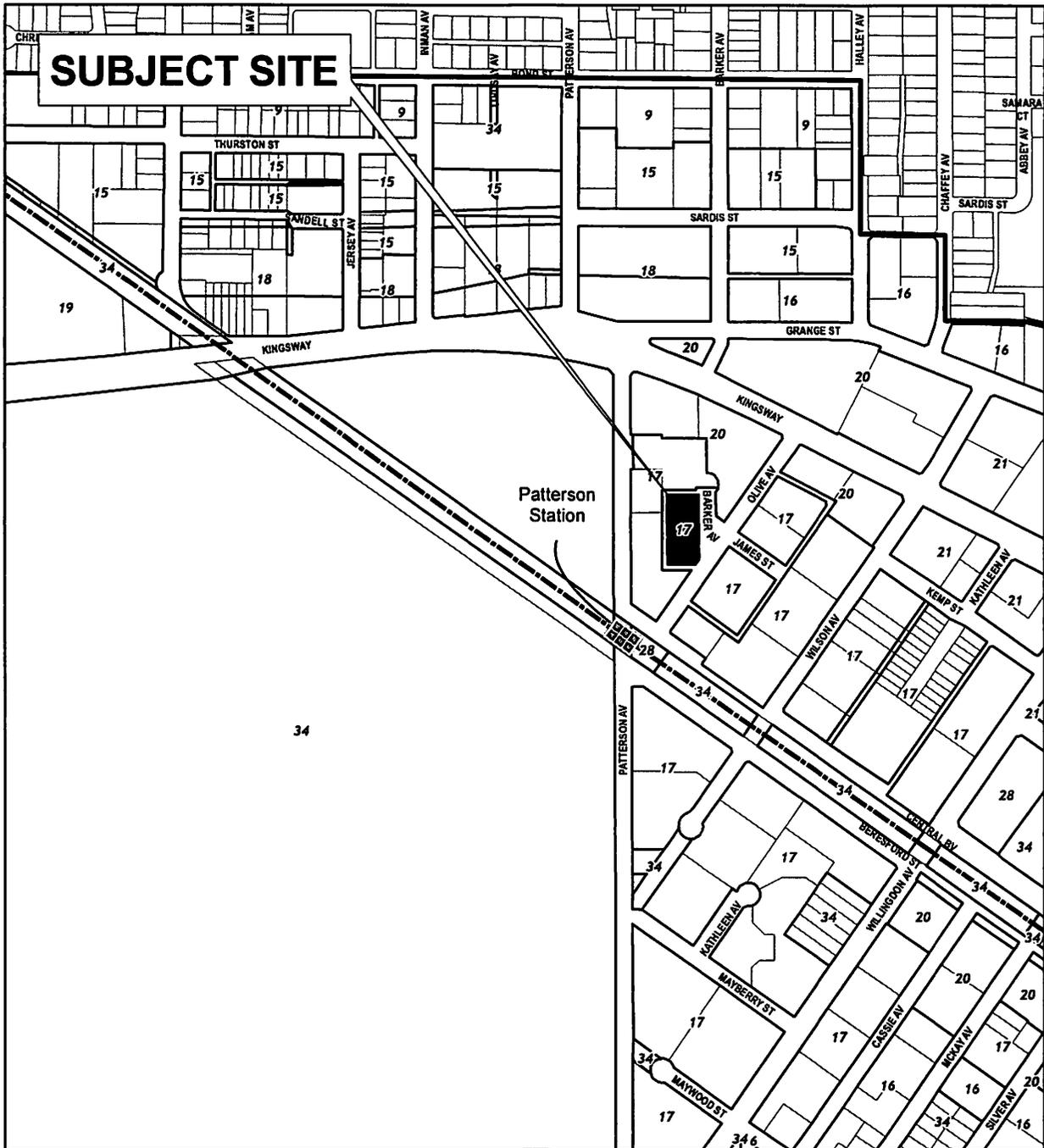
**REZONING REFERENCE #17-40
 5895 BARKER AVENUE**



Subject Site



Proposed Road Closure Area



- 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)

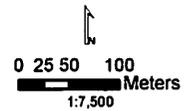
- 20** High Density Mixed Use (RM5s/C2)
- 21** High Density Mixed Use (RM5s/C3)
- 28** Institutional
- 30** Public School (P3)
- 34** Park and Public Use (P3)



Planning and Building Dept

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Metrotown Plan



Sketch #2