

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2020 November 18

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 49500 20

SUBJECT: **REZONING REFERENCES #17-34, 17-39, 18-21 and 18-23**
Proposed Density Transfer and Phased Development Agreement
Metrotown Downtown Plan Area

PURPOSE: To seek Council authorization for staff to pursue a density transfer and a Phased Development Agreement in connection with four rezoning applications in the Metrotown Downtown Plan area.

RECOMMENDATIONS:

1. **THAT** the Committee recommend that Council authorize staff to pursue a density transfer and a Phased Development Agreement in connection with four rezoning applications in the Metrotown Downtown Plan area, as generally outlined in this report.
2. **THAT** a copy of this report be sent to Mr. Jay Lin, Vice President Development, Belford Properties Ltd.

REPORT

1.0 INTRODUCTION

In 2017 and 2018, Belford Properties submitted rezoning applications for four sites in the Maywood neighbourhood of the Metrotown Downtown Plan area (see *attached* Sketches #1-5):

Site	Rezoning Reference	Address
1	#17-34	6366 Cassie Avenue 6433 McKay Avenue
2	#17-39	6444 Silver Avenue
3	#18-21	4355 Maywood Street
4	#18-23	6630 Telford Avenue

In line with the adopted plan, each application proposed the development of a single high-rise strata residential apartment building with street fronting townhouses. As a result of concerns arising from the loss of on-site rental housing due to redevelopment, the applications were held at varying stages of the rezoning process, with Rezoning Reference #17-34 having advanced to Second Reading, Rezoning Reference #17-39 being advanced to initial report, and Rezoning References # 18-21 and #18-23 pending introduction to Council.

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In Fall 2018, the Planning Department initiated efforts to develop policies on rental tenure zoning and tenant assistance. The Finalized Rental Use Zoning Policy and updated Tenant Assistance Policy were adopted by Council on 2020 March 09. As such, these applications are now in a position to advance, with the required replacement rental to be provided up front, and development of the four sites determined through a Phased Development Agreement, subject to Council approval.

2.0 POLICY FRAMEWORK

The proposed developments align with the following goals and sub-goals of the 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 NEIGHBOURHOOD CONTEXT AND PROPERTY INFORMATION

The subject development sites are located within the Maywood neighbourhood of the Metrotown Downtown Plan area (see *attached* Sketch #1). The adopted Plan identifies the Maywood neighbourhood as the heart of Metrotown, with opportunities for people to live, gather, socialize and celebrate. Specifically, high density multiple-family mixed-use residential developments along Beresford Street are intended to terrace downward toward Imperial Street. The introduction of smaller neighbourhood commercial opportunities, with a focus on Maywood Park, are to be considered within Maywood to create a local serving hub and gathering places for residents and visitors. With respect to building form, such developments are intended for high-rise apartment buildings with low-rise apartments, townhousing or row-housing podiums fronting bounding streets. The neighbourhood is supported by Maywood Park, Maywood Community School, and an emerging network of pedestrian and cycling linkages.

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The four sites are all currently zoned RM3 Multiple Family Residential District, improved with low-rise apartment buildings constructed between 1966 and 1969, and designated for high-density multiple family residential development under the CD Comprehensive Development District, utilizing the RM4s and RM4r Multiple Family Residential Districts as guidelines. The four sites currently support a total of 220 rental units, distributed as follows:

Site	Address	Unit Count
1	6366 Cassie Avenue	59
	6433 McKay Avenue	36
2	6444 Silver Avenue	45
3	4355 Maywood Street	39
4	6630 Telford Avenue	41
TOTAL:		220

4.0 DEVELOPMENT PROPOSAL

As previously noted, the applicant wishes to advance the four sites, incorporating the rental use zoning and tenant assistance policy measures adopted by Council. However, recognizing the challenges of concurrently advancing four mixed-tenure sites, and a significant number of strata units in a challenging market, the applicant has requested that in order to advance the rental provision earlier in the development process, the development density and policy-required replacement (affordable) rental units be transferred amongst the four properties as described below, and that development proceed in a phased manner. Site 1 (Cassie/McKay) and Site 4 (Telford) are proposed to be developed immediately and concurrently as part of Phase 1. Site 2 (Silver) and Site 3 (Maywood) are to be developed at a later date, either concurrently or separately, based on market conditions.

Site 4 (Telford) is proposed to be a rental-only site and support the RM4r density generated from all four sites and all the policy-required replacement and inclusionary (non-market) units generated from all four sites. The resultant density would be 8.18 FAR. This density is proposed to be distributed in two towers. One tower is expected to accommodate 220 replacement rental units¹. As these replacement units will not fully consume all available RM4r density, remaining RM4r density is proposed to be used for approximately 200 additional rental units² in a second tower.

Site 1 (Cassie/McKay) and Site 2 (Silver) are proposed to be strata-only sites, with each supporting the RM4s density and density offset associated with each site itself. Supplemental base and bonus density would not be fully consumed on either site. The total density proposed for each site is 3.6 FAR. Each site would support a single tower with street fronting townhomes.

¹ The Rental Use Zoning Policy requires new RM3-RM5 developments provide the greater of a 1:1 replacement of existing rental units, or the equivalent of 20% of proposed market units be provided as non-market rental units. The total number of existing rental units on the four sites (220) exceeds 20% of the total anticipated number of strata units generated by the RM4s District (162).

² Rental rates for these units under RMr zoning are to be balanced at a 1:1 ratio of market rents and CMHC median market rents.

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Site 3 (Maywood) is proposed to be a strata-only site and support the RM4s density and density offset associated with the site itself, as well as the RM4s density and density offset generated from Site 4 (Telford). Supplemental base and bonus density associated with both sites would not be fully consumed. The resultant density on Site 3 would be 7.82 FAR, expressed as a tower with low rise podium.

In order to establish the zoning, density allocation, and housing tenure conditions that will enable development as described above, the four applications require concurrent advancement of rezoning bylaws to Public Hearing and Final Adoption.

5.0 PHASED DEVELOPMENT AGREEMENT

The proposed transfer of density and rental obligation is considered supportable, as the replacement rental is provided within the same neighbourhood, it is advanced much earlier and with less disruption to tenants than if the four sites developed independently, and it allows for the early provision of an additional +/- 200 inclusionary market rental units. To facilitate this approach, it is recommended that the City enter into a Phased Development Agreement (PDA) with Belford Properties to establish the conditions under which development on the subject sites can occur as described in Section 4.0. The effect of the PDA provisions, as outlined in Sections 516 to 520 of the *Local Government Act*, are to entrench phased development conditions against changes to specified zoning provisions and/or specified subdivision servicing provisions while the PDA is in effect, in exchange for amenities and other considerations deemed beneficial to the municipality. For the purposes of the proposed PDA, the specified zoning provisions would be all the provisions of the CD Comprehensive Development District added to the Burnaby Zoning Bylaw, in respect of the properties by the applicable Zoning Amendment Bylaw. If any of the specified zoning provisions are amended or repealed during the term of the PDA, those changes would not apply unless agreed to in writing by the City and the applicant.

The proposed PDA requires Council approval through a Phased Development Agreement Bylaw, which would be established as a condition of approval of each of the four subject rezoning applications. Key terms of the PDA are proposed to include the following:

- The term of the PDA would be ten years. Belford Properties will seek to achieve Preliminary Plan Approval (PPA) and Building Permit (BP) issuance in respect of all four properties within this timeframe. If any of the properties do not achieve PPA and BP issuance within this timeframe, the property(ies) will be subject to the then current zoning and subdivision servicing provisions in effect at the time of the PPA or BP applications are made, as applicable, and as such, the property(ies) may require a new rezoning application meeting community plan, Zoning Bylaw, and policy requirements in effect at that time.
- Site 4 (Telford) must be developed with rental housing only, including all the policy-required replacement (affordable) rental units generated by all four properties subject to the PDA.

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- Site 4 (Telford) must be granted building occupancy prior to, or concurrently with, the issuance of occupancy permits for any of the other sites.
- For Site 2 (Silver) and Site 3 (Maywood), submission of certain technical designs, plans, studies, bonding, and registration of certain legal documents will be established as conditions of PPA (rather than rezoning) approval in order to more closely align with actual construction dates, once known.

Draft detailed development requirements of the PDA are presented in **Appendix A**.

The proposed PDA supports immediate advancement of two of the applications, and transfer of the RM4r rental density (+/- 110,000 sq.ft. of rental gross floor area) associated with Site 1 (Cassie/McKay), Site 2 (Silver), and Site 3 (Maywood) to Site 4 (Telford). Upwards of 420 rental units, including 220 affordable units, would be constructed on Site 4 (Telford) as part of Phase 1. Early delivery of these units would mean that fewer tenants are displaced; existing tenants at Site 2 (Silver) and Site 3 (Maywood) would be offered the right of first refusal for a new replacement rental unit in Site 4 (Telford) without displacement. Furthermore, a single rental site, in a concrete form, and with mixed rental rates enhances the viability of long term building maintenance and operation.

6.0 CONCLUSION AND NEXT STEPS

The applicant's request to transfer density and rental obligation amongst its four sites in Metrotown through a phased development approach has merit and enables the concurrent advancement of all four rezoning bylaws to Public Hearing and Final Adoption. Staff recommend that the City enter into a Phased Development Agreement (PDA) with Belford Properties to establish the conditions under which the phased development can occur. With Committee and Council approval of this approach, as generally outlined in this report, staff would proceed to advance Rezoning Reports for each of the subject rezoning applications, recommending the authority to continue to work with the applicant toward suitable plans of development for presentation to future public hearings. The proposed prerequisite conditions of each rezoning, including the introduction of a Phased Development Agreement Bylaw, will be included in future reports to Council. It is further recommended that a copy of this report be sent to Belford Properties for their information.



E.W. Kozak, Director
PLANNING AND BUILDING

KH:tn

Attachments

cc: City Manager
Director Finance
Director Corporate Services
City Solicitor

Director Engineering
Director Parks, Recreation and Cultural Services
Director Public Safety and Community Services
City Clerk

Appendix A: Development Requirements

Rezoning Requirement	REZ #18-23 – Telford (Site 4)	REZ #17-34 - Cassie/McKay (Site 1)	REZ #17-39 – Silver (Site 2)	REZ #18-21 – Maywood (Site 3)
Zoning district	CD(RM4s, RM4r)	CD(RM4s, RM4r)	CD(RM4s, RM4r)	CD(RM4s, RM4r)
General building form	Two high rise buildings with ground-oriented residential component and underground parking.	Single high rise building with ground-oriented residential component and underground parking.	Single high rise building with ground-oriented residential component and underground parking.	Single high rise building atop six-storey low rise residential component and underground parking.
CD drawings – general	Fully detailed drawings prior to rezoning Final Adoption.	Fully detailed drawings prior to rezoning Final Adoption.	General guideline drawings prior to rezoning Final Adoption, with fully detailed drawings provided as part of PPA.	General guideline drawings prior to rezoning Final Adoption, with fully detailed drawings provided as part of PPA.
CD drawings – technical plans	Fully detailed statistics sheet, Solid Waste and Recycling Plans, Residential Loading Management Plan, Fire Truck Access Plan, adaptable units plan, parking plan (including accessible parking) prior to rezoning Final Adoption.	Fully detailed statistics sheet, Solid Waste and Recycling Plans, Residential Loading Management Plan, Fire Truck Access Plan, adaptable units plan, parking plan (including accessible parking) prior to rezoning Final Adoption.	Statistics sheet must specify density/GFA, unit count, building height prior to rezoning Final Adoption. Preliminary Solid Waste and Recycling Plans, Residential Loading Management Plan, Fire Truck Access Plan, adaptable units plan, parking plan (including accessible parking) prior to rezoning Final Adoption, with fully detailed drawings prior to PPA issuance.	Statistics sheet must specify density/GFA, unit count, building height prior to rezoning Final Adoption. Preliminary Solid Waste and Recycling Plans, Residential Loading Management Plan, Fire Truck Access Plan, adaptable units plan, parking plan (including accessible parking) prior to rezoning Final Adoption, with fully detailed drawings prior to PPA issuance.
Subdivision: road dedication and creation of net development site(s)	Registration prior to rezoning Final Adoption	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption. CD drawings to acknowledge interim non-conforming building siting.	Registration prior to rezoning Final Adoption. CD drawings to acknowledge interim non-conforming building siting.
Building demolition	Aligned with Building Permit issuance.	Aligned with Building Permit issuance.	Aligned with Building Permit issuance.	Aligned with Building Permit issuance.
Off-site servicing	Civil design, servicing agreements, and letter of credit prior to rezoning Final Adoption.	Civil design, servicing agreements, and letter of credit prior to rezoning Final Adoption.	Civil design, servicing agreements, and letter of credit prior to PPA issuance.	Civil design, servicing agreements, and letter of credit prior to PPA issuance.

Rezoning Requirement	REZ #18-23 – Telford (Site 4)	REZ #17-34 - Cassie/McKay (Site 1)	REZ #17-39 – Silver (Site 2)	REZ #18-21 – Maywood (Site 3)
Neighbourhood linkage	To be fully accommodated on development site to the north.	n/a	n/a	n/a
Hydro, Telus, and other third party utilities	Design, bonding, and registration of SROs prior to rezoning Final Adoption. Registration of additional/ replacement SROs as required.	Design, bonding, and registration of SROs prior to rezoning Final Adoption. Registration of additional/ replacement SROs as required.	Design, bonding, and registration of SROs prior to PPA issuance. Registration of additional/ replacement SROs as required.	Design, bonding, and registration of SROs prior to PPA issuance. Registration of additional/ replacement SROs as required.
Stormwater Management Plan and Groundwater Management Plan	Plan, covenant, and bonding prior to rezoning Final Adoption.	Plan, covenant, and bonding prior to rezoning Final Adoption.	Plan, covenant, and bonding prior to rezoning Final Adoption.	Plan, covenant, and bonding prior to rezoning Final Adoption.
Sediment Control Plan	Plan submission prior to rezoning Final Adoption.	Plan submission prior to rezoning Final Adoption.	Plan submission prior to PPA issuance.	Plan submission prior to PPA issuance.
Amenity density bonus payment	n/a	Negotiation and payment prior to rezoning Final Adoption.	Negotiation and payment prior to PPA issuance.	Negotiation and payment prior to PPA issuance.
Section 219 Covenants – standard (no gates on driveways, no balcony enclosure, SWMP, groundwater, public art, green building)	Registration prior to Final Adoption.	Registration prior to Final Adoption.	Registration prior to PPA issuance.	Registration prior to PPA issuance.
Section 219 Covenant – no build/no PPA	n/a	n/a	Registration prior to rezoning Final Adoption; development permitted upon completion of all prior-to PPA conditions and occupancy of Telford.	Registration prior to rezoning Final Adoption; development permitted upon completion of all prior-to PPA conditions and occupancy of Telford.
Section 219 Covenant – no occupancy	n/a	Registration prior to rezoning Final Adoption; occupancy permitted concurrent with or following occupancy of Telford.	n/a	n/a
Section 219 Covenant – density allocation	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.

Section 219 Housing Covenant – no stratification, and Housing Agreement Bylaw	Covenant registration prior to rezoning Final Adoption. Housing Agreement Bylaw adoption prior to building occupancy.	n/a	n/a	n/a
Section 219 Covenant – Separate sale of lands and assignment of phased development agreement	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.	Registration prior to rezoning Final Adoption.
Communications Strategy	Submission prior to rezoning Final Adoption.	Submission prior to rezoning Final Adoption.	Submission prior to PPA issuance.	Submission prior to PPA issuance.
Green Building Strategy	Registration of green building covenant including green building report, energy modeling report, and provisions for energy benchmarking prior to rezoning Final Adoption.	Registration of green building covenant including green building report, energy modeling report, and provisions for energy benchmarking prior to rezoning Final Adoption.	Submission of green building report; commitment to undertake air tightness testing; energy benchmarking; energy modelling report; and energy checklist prior to rezoning Final Adoption. Registration of green building covenant including green building report, energy modeling report, and provisions for energy benchmarking prior to PPA issuance.	Submission of green building report; commitment to undertake air tightness testing; energy benchmarking; energy modelling report; and energy checklist prior to rezoning Final Adoption. Registration of green building covenant including green building report, energy modeling report, and provisions for energy benchmarking prior to PPA issuance.
Tenant Assistance Plan	Submission prior to rezoning Final Adoption.	Submission prior to rezoning Final Adoption.	Submission prior to rezoning Final Adoption.	Submission prior to rezoning Final Adoption.
Public art – location, report, bonding	100% rental project – public art not required.	Public art plan, artist selection, bonding, and covenant all required as condition of rezoning Final Adoption.	Location identified in CD drawings, and draft public art plan required as condition of Final Adoption. Final public art plan, artist selection, bonding, and covenant required as condition of PPA issuance.	Location identified in CD drawings, and draft public art plan required as condition of Final Adoption. Final public art plan, artist selection, bonding, and covenant required as condition of PPA issuance.

Alternative Transportation Requirements	TDM study, cost estimate, letter of credit, Section 219 Covenant all prior to rezoning Final Adoption.	TDM study, cost estimate, letter of credit, Section 219 Covenant all prior to rezoning Final Adoption.	TDM study, cost estimate, letter of credit, Section 219 Covenant all prior to PPA issuance.	TDM study, cost estimate, letter of credit, Section 219 Covenant all prior to PPA issuance.
Development Cost Charges	Payment at the time of rezoning/subdivision approval.	Payment at the time of rezoning/subdivision approval, or if no subdivision required, payment at the time of building permit issuance.	Payment at the time of building permit issuance.	Payment at the time of building permit issuance.

KH:

2020 October 19



- 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)



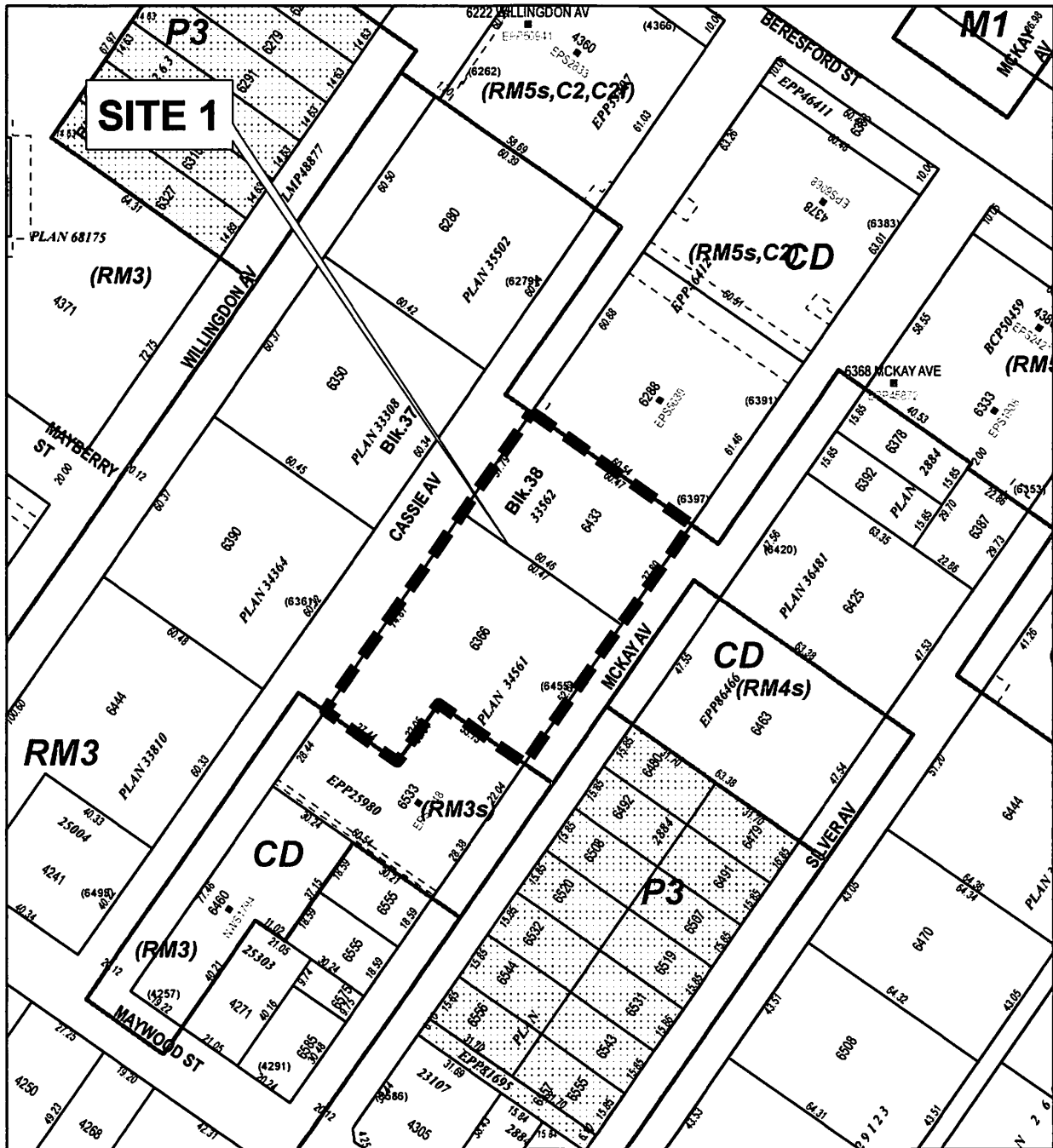
Planning and Building Dept

Printed on October 5, 2020

Metrotown Plan



Sketch #1



PLANNING & BUILDING DEPARTMENT



Date:
OCT 05 2020

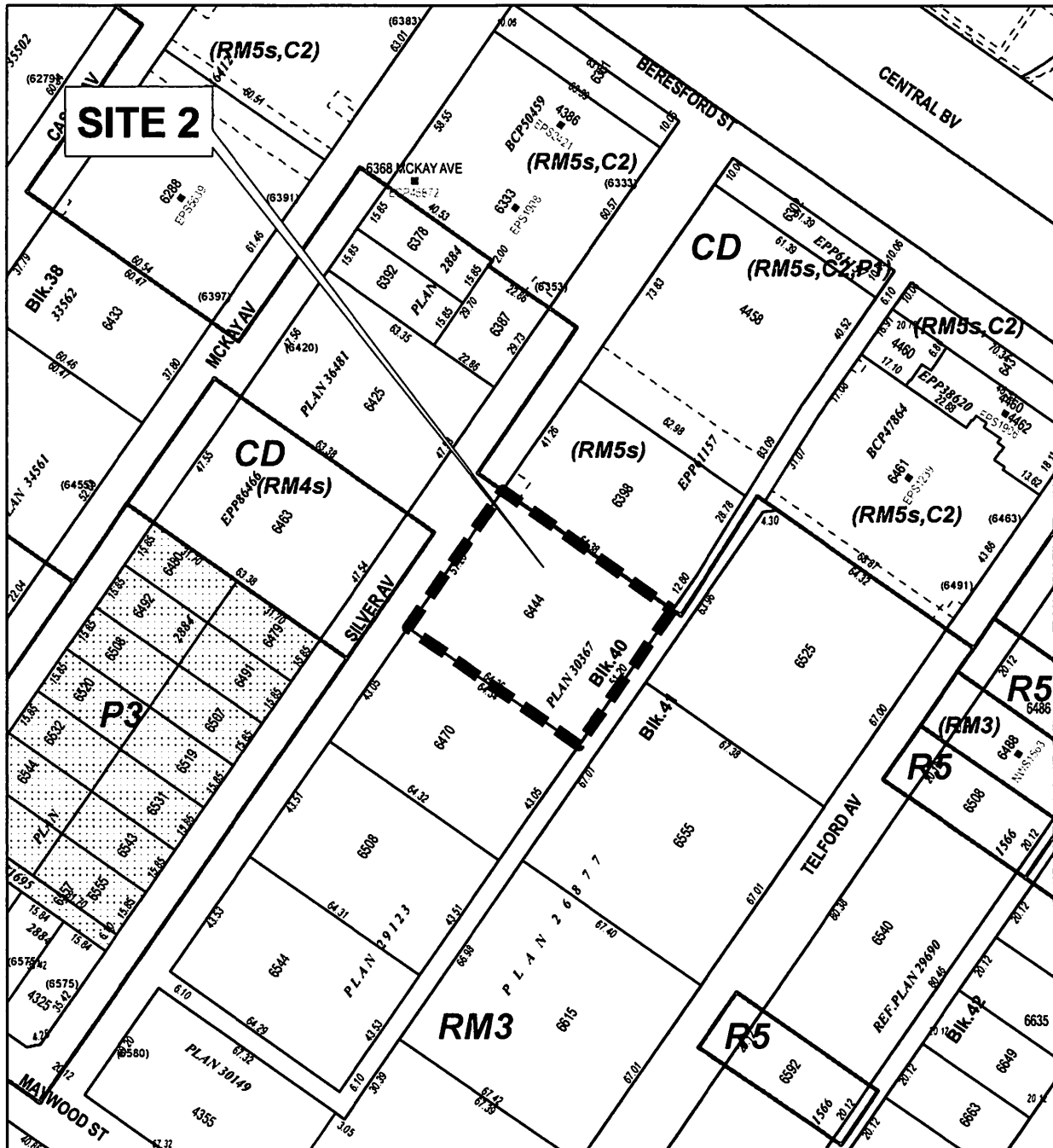
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JS

REZONING REFERENCE #17-34
6366 CASSIE AVENUE AND 6433 MCKAY AVENUE

 Subject Site

Sketch #2



PLANNING & BUILDING DEPARTMENT



Date:
OCT 05 2020

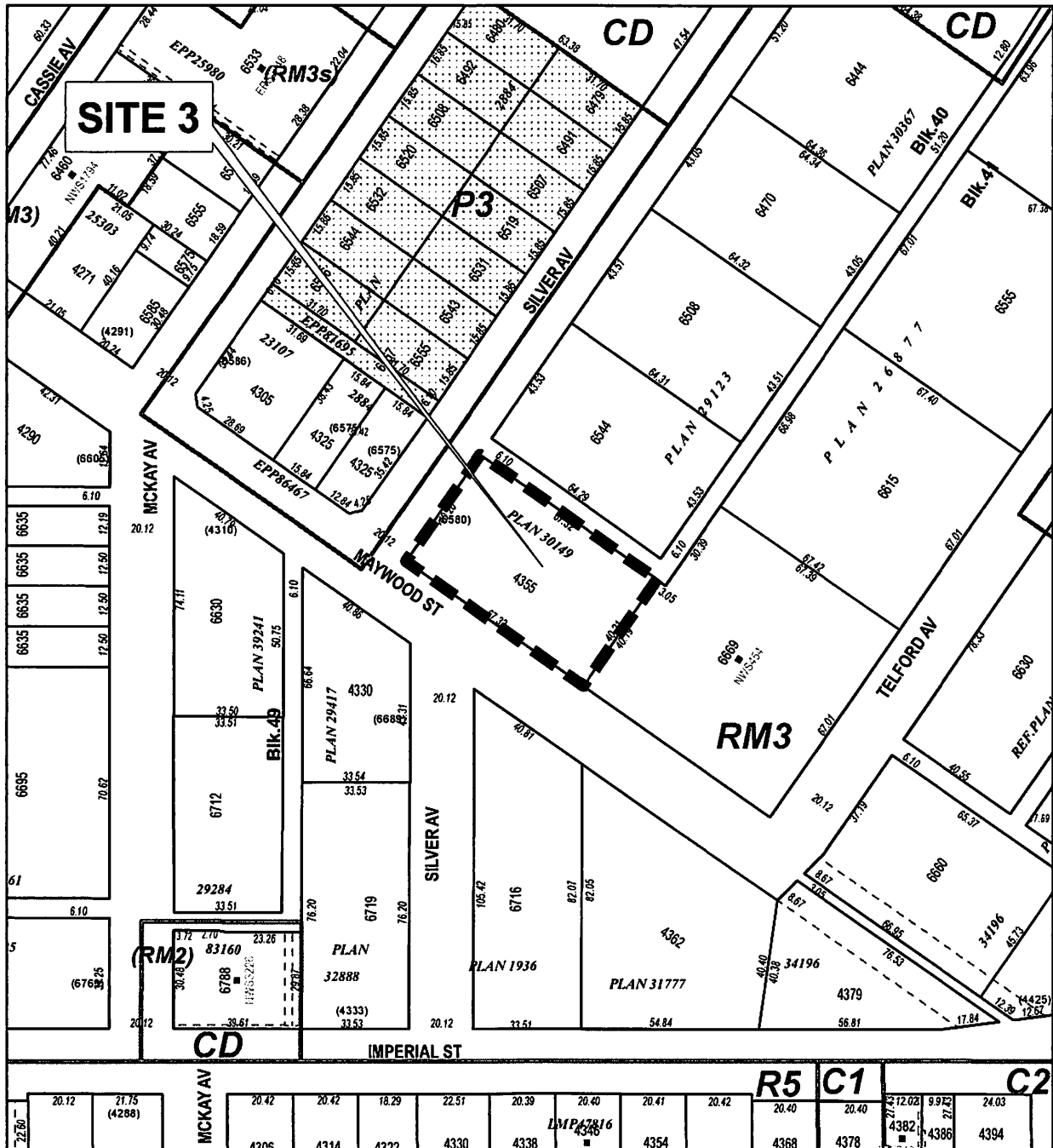
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REZONING REFERENCE #17-39
6444 SILVER AVENUE

 Subject Site

Sketch #3



PLANNING & BUILDING DEPARTMENT



Date:
OCT 05 2020

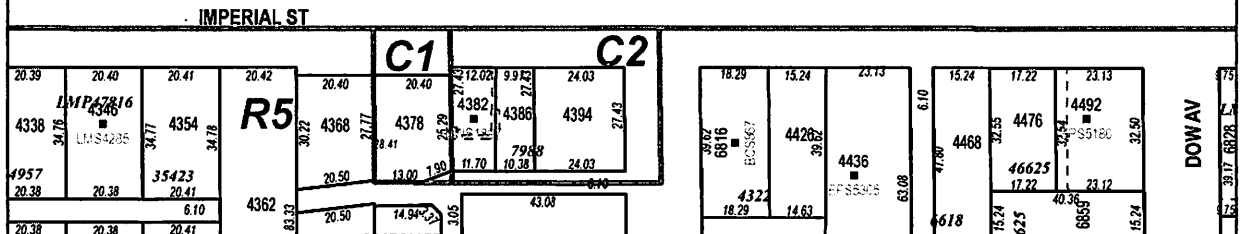
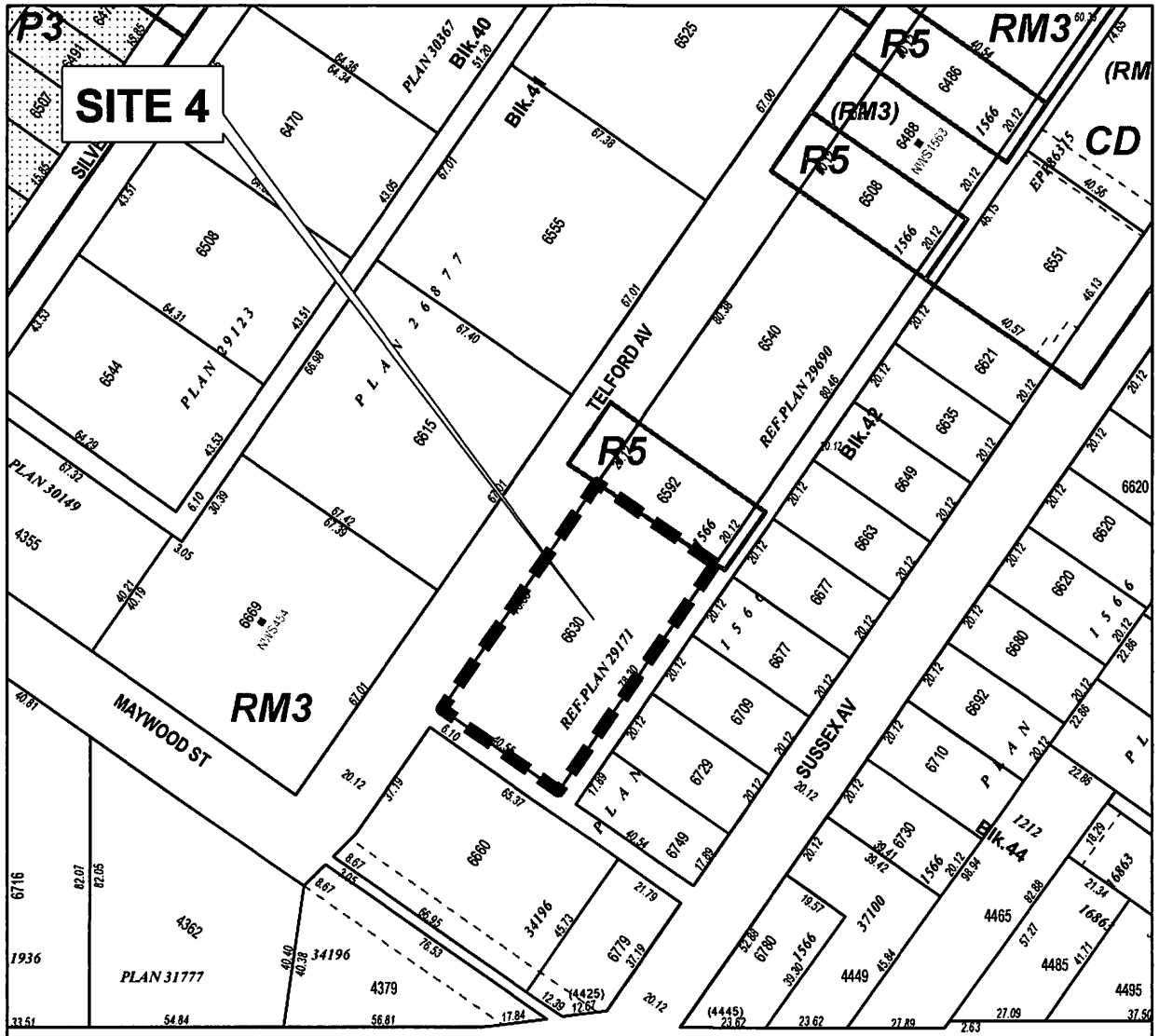
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REZONING REFERENCE #18-21
4355 MAYWOOD STREET

 Subject Site

Sketch #4



PLANNING & BUILDING DEPARTMENT



Date:
OCT 05 2020

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Drawn By:
JS

REZONING REFERENCE #18-23
6630 TELFORD AVENUE

 Subject Site

Sketch #5