

TO: MAYOR & COUNCIL

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: REZ #21-16 – 5292 AND 5318 KINGSWAY– MIXED USE DEVELOPMENT – ROYAL OAK COMMUNITY PLAN

PURPOSE: To seek Council authorization to forward REZ #21-16 to a future Public Hearing.

REFERENCES

Address: 5292 and 5318 Kingsway
Legal: WEST 50 FEET BLOCK 4 DISTRICT LOT 94 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 720
LOT 8 EXCEPT: THE WEST 50 FEET; DISTRICT LOT 94 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 720
LOT 1 DISTRICT LOT 94 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 6178
Applicant: Porte Communities
100 – 33 East 8 Avenue
Vancouver, BC V5T 1R5
Attention: Tony Zhang
Current Zoning: C4 Service Commercial District
Proposed Zoning: Comprehensive Development District (based on C9 Urban Village District and Royal Oak Community Plan as guidelines, and in accordance with the development plan entitled “Roi and Reine” prepared by RH Architects Inc.)

RECOMMENDATIONS

THAT a Rezoning Bylaw for REZ #21-16 be prepared and advanced to First Reading and to a Public Hearing at a future date of Council;

THAT the introduction of a Housing Agreement Bylaw be authorized according to the terms outlined in Section 3.3 of the report titled “REZ #21-16 – 5292 and 5318 Kingsway – Mixed Use Development – Royal Oak Community Plan” dated October 30, 2023, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw;

THAT the introduction of a Highway Closure Bylaw be authorized, as described in Section 3.10 of the report titled “REZ #21-16 – 5292 and 5318 Kingsway – Mixed Use Development – Royal Oak Community Plan” dated October 30, 2023,

contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw;

THAT the sale be approved in principle of City-owned property for inclusion within the subject development site in accordance with the terms outlined in Section 3.10 of the report titled “REZ #21-16 – 5292 and 5318 Kingsway – Mixed Use Development – Royal Oak Community Plan”, and subject to the applicant pursuing the rezoning proposal to completion, and;

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, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- d. The consolidation of the net project site into one legal parcel.
- e. The completion of the Highway Closure Bylaw and sale of City property.
- f. The submission of an undertaking to remove all existing improvements from the site within 12 months of Final Adoption of the rezoning.
- g. The registration of a Housing Agreement and Housing Covenant.
- h. The submission of a suitable on-site stormwater management system to the approval of the General Manager Engineering, the submission of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.
- i. Compliance with the City’s Groundwater Management for Multiple-Family Development guidelines.
- j. The dedication of any rights-of-way deemed requisite.
- k. The granting of any necessary statutory rights-of-way, easements and/or covenants.

- l. The provision of facilities for cyclists in accordance with this report.
- m. The submission of a suitable Solid Waste and Recycling plan.
- n. The review of on-site loading facilities.
- o. The provision of one covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement the recycling provisions.
- p. 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 and with allocated disabled parking spaces.
- q. Compliance with Council-adopted sound criteria.
- r. Compliance with the guidelines for underground parking for visitors.
- s. The undergrounding of existing overhead wiring abutting the site.
- t. The submission of a Green Building Plan and Energy Benchmarking.
- u. The submission of a detailed Comprehensive Sign Plan.
- v. The provision of a statutory right-of-way for a public pathway from Kingsway to Grimmer Street, to the approval of the General Manager Engineering.
- 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 Water Development Cost Charge.
- aa. The deposit of the applicable Regional Transportation Development Cost Charge.
- bb. Submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements, and 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.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS

I concur with the recommendation of the General Manager Planning and Development.

EXECUTIVE SUMMARY

A rezoning application has been received to permit the construction of mixed-use development above underground parking. The development is comprised of two six-storey mixed-use buildings with commercial uses at grade and 85 residential units above (75 strata units and 10 non-market rental units), connected by an exterior amenity area on Level 2. The purpose of this report is to provide Council with information on the proposal and to recommend that the Rezoning Bylaw be brought forward for First Reading and that it be forwarded to a future Public Hearing.

1.0 POLICY SECTION

The proposed rezoning application is consistent with the following policies and plans adopted by Council:

- Corporate Strategic Plan (2022),
- Regional Context Statement (2013),
- Official Community Plan (1998),
- Royal Oak Community Plan (1999),
- Economic Development Strategy (2007),
- Social Sustainability Strategy (2011),
- Environmental Sustainability Strategy (2016),
- Transportation Plan (2021),
- HOME: Housing and Homelessness Strategy (2021) and,
- Rental Use Zoning Policy (2020).

2.0 BACKGROUND

- 2.1 The subject development site is located along Kingsway and Grimmer Street, east of Royal Oak Avenue, and is designated in the Royal Oak Community Plan for medium density mixed-use development (see **Attachment 1** – REZ #21-16: Sketch #1 and Sketch #2). The subject site is comprised of two lots which are improved with a single storey car wash facility.
- 2.2 On June 14, 2021, Council received an initial rezoning report which proposed to rezone the site from the Service Commercial District to the CD Comprehensive Development District, utilizing the C9 Urban Village District and Royal Oak Community Plan as guidelines. In June 2023, the City began consultation on Phase 1 (Preliminary visioning, goals and plan directions) of the Royal Oak Community Plan update. The applicant has acknowledged that the Plan update may support additional height or density along Kingsway in the future as part of larger land assemblies, however, they have elected to proceed with the subject rezoning proposal. The proposal for a mix of commercial and residential land uses along Kingsway is generally consistent with the preliminary land use

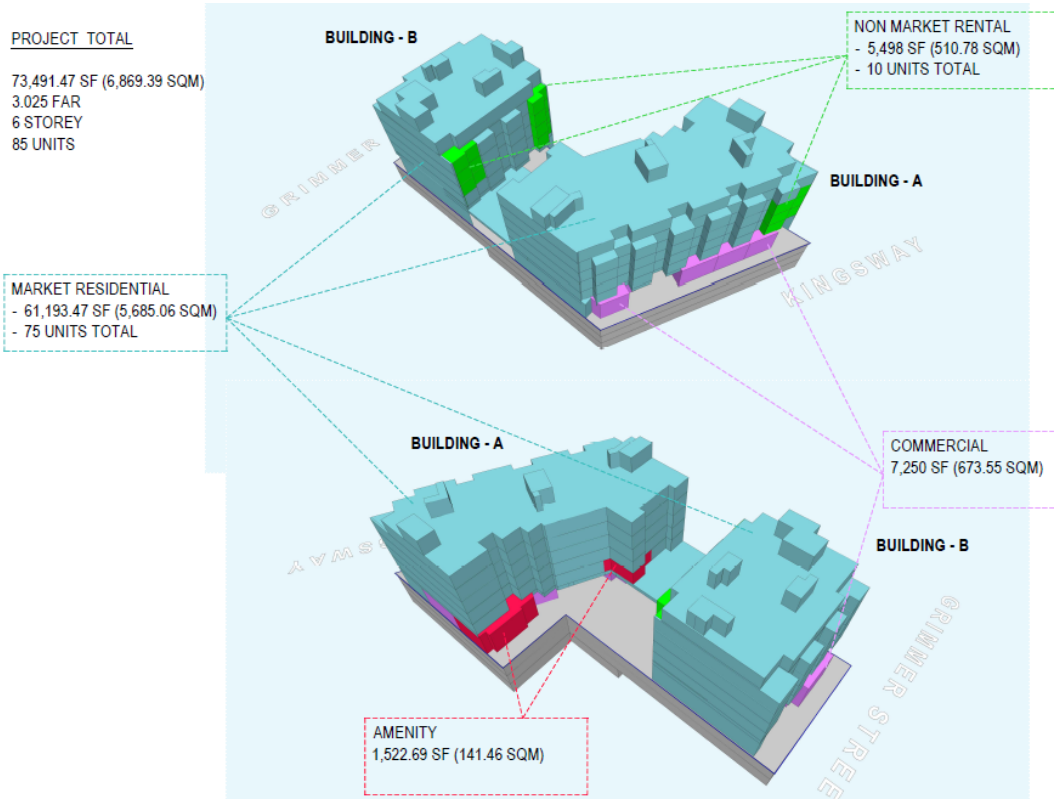
directions in Phase 1 of the Royal Oak Community Plan update, and the scale of the proposed six storey buildings will fit within the context of any future mid-rise building forms oriented towards Kingsway. As such, staff recommend proceeding with the subject rezoning application concurrent with the process to update the Community Plan. It is further noted that the subject rezoning proposal is aligned with the prevailing medium density mixed use designation in the existing Royal Oak Community Plan.

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

3.0 GENERAL INFORMATION

3.1 The development proposal, as shown in Figure 1, is for two six-storey mixed-use buildings with commercial uses at grade and 85 residential units above (75 strata units and ten non-market rental units). The development includes underground parking, with vehicular access from an interior courtyard area via Grimmer Street. A public walkway protected by a statutory right-of-way is proposed through the site to provide pedestrian access from Kingsway to Grimmer Street.

Figure 1: Land Use and Tenure



3.2 The maximum potential density for the subject site is 3.025 FAR, which is comprised of: 2.2 FAR C9 density and 0.825 FAR C9 density offset. The proposed total density for the subject site is 3.025 FAR, as outlined in Table 1 below:

Table 1

Zoning: CD (C9)			
Site Size: 2,270.95 m²			
	Permitted Density (FAR) and GFA (m²)	Proposed Density (FAR) and GFA (m²)	Proposed Units
C9 Density	2.2	2.2	59*
GFA (m ²)	4,996.09	4,996.09	
C9 Density Offset	0.825	0.825	26
GFA (m ²)	1,873.53	1,873.30	
Total Density	3.025	3.025	85
Total GFA (m ²)	6,869.62	6,869.39	

*Includes 49 units of C9 base density and 10 non-market rental units as required by the Rental Use Zoning Policy

- 3.3 This application is proposed to be processed in accordance with the City’s Rental Use Zoning Policy. The applicant is proposing to provide a total of 10 rental dwelling units at 20% below Canada Mortgage and Housing Corporation median market rates, which meets the requirements of the Rental Use Zoning Policy, in order to receive the density offset available in the C9 District. To ensure the non-market rental units cannot be individually or separately sold, the applicant will be required, subject to City consent, to: (a) create an air space parcel containing only the non-market rental units, which air space parcel may not be stratified; or (b) subdivide the site by a strata plan under which all of the non-market units are contained within one strata lot; or (c) subdivide the site by a strata plan under which each non-market rental unit is a separate strata lot, with a requirement that none of the non-market rental unit strata lots may be separately sold.

- 3.4 The registration of a Housing Covenant and a Housing Agreement will be required to protect and regulate affordability measures and tenure of the non-market rental units. Terms of the Housing Agreement are to be established prior to Final Adoption of the Rezoning Bylaw. Council consideration and approval of a Housing Agreement Bylaw will be required prior to occupancy.

- 3.5 The developer is providing 17 adaptable units which meets the 20% minimum requirement of the Council-adopted Adaptable Housing policy. The requisite accessible parking stalls will be protected by a Section 219 Covenant as common property to be administered by the Strata Corporation and rental housing operator.

- 3.6 The consolidation of the net project site into one legal parcel is required.

3.7 Parking ratios of 1.0 space per market strata unit are proposed for the development. A visitor parking ratio of 0.10 stalls per strata unit will apply to the development, and the resulting visitor parking area will be shared by both strata and rental residents. Alterations to the proposed market strata parking ratio may be explored, with the minimum parking rates being 1.1 stalls per strata unit or the minimum required by the Burnaby Zoning Bylaw, as amended from time to time, whichever is less. 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 encourage sustainable forms of transportation, the applicant is required to provide a comprehensive transportation demand management (TDM) strategy including:

- a transit pass subsidy equivalent to a two-zone monthly pass for 100% of the rental units and 15% of the strata units for two years;
- as car share is not able to be feasibly accommodated on this site, establishing an alternative transportation fund equivalent to (for membership and driving credits for car share for all strata and rental residents or additional funding for transit pass subsidy):
 - a car share subsidy equivalent to a 2-year car share membership per unit;
 - one car share parking space for use by a public car share provider;
- two secured bike parking spaces for each residential unit (strata and rental); and,
- a communications strategy that provides the owners, strata, renters, rental management company and strata management company an understanding of how to best use each of the alternative transportation options.

Prior to Final Reading of this rezoning application, alterations to the above TDM strategy may be made to bring the strategy into conformance with any future policy or bylaw amendments that provide standardized TDM requirements. Any alterations to the TDM strategy would have to be equal or better than the commitments outlined above. A Section 219 Covenant and sufficient financial securities will be required to guarantee the provision of the TDM Strategy.

3.8 The General Manager Engineering will be requested to prepare an estimate for all services necessary to serve this site, including, but not necessarily limited to:

- upgrading of the Kingsway frontage to its final arterial standard, based on the Town Centre street standard;
- upgrading of the Grimmer Street frontage to its final standard;
- 25% contribution to the cost of a pedestrian signal at Royal Oak Avenue and Grimmer Street;
- construction of a pedestrian walkway through the site; and,
- upgrading of storm, sanitary sewer, and water main services as required.

- 3.9 To support the off-site servicing requirements, a road dedication of approximately 6.28 m on Kingsway and 1.5 m on Grimmer Street, subject to final civil drawings, is required.
- 3.10 The project site includes the closure of the laneway directly south of 5292 Kingsway, measuring approximately 46.36 m² (499.01 sq. ft.). The completion of a Highway Closure Bylaw is required prior to Final Adoption of the subject rezoning application. The Realty and Lands Division of the Lands and Facilities Department will forward a separate report detailing the value of the land sale for Council's consideration and approval prior to the subject amendment bylaw receiving Third Reading. The report will be prepared once the Realty and Lands Division has concluded negotiations with the applicant. Council approval of the land sale is a prerequisite condition of the rezoning.
- 3.11 The preparation of a Traffic Study memo regarding the proposed left-turn bay design and operations of the intersection at Kingsway and Royal Oak Avenue will be required.
- 3.12 Any necessary easements, covenants and statutory rights-of-way for the site are to be provided, including, but not limited to:
- Section 219 Covenant restricting enclosure of balconies;
 - Section 219 Covenant to ensure a Housing Agreement is completed prior to Occupancy Permit being issued and ensure the affordability measures of the non-market rental units;
 - If an air space parcel containing all of the non-market rental units is created, Section 219 Covenant to ensure the air space parcel cannot be stratified;
 - If air space parcel of the rental units is pursued, Section 219 Covenant to ensure the rental units are not stratified and remain in common ownership;
 - Section 219 Covenant ensuring compliance with the approved acoustical study;
 - Section 219 Covenant guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - Section 219 Covenant ensuring that accessible parking stalls are held in common property to be administered by the Strata Corporation and rental housing operator; and,
 - Section 219 Covenant ensuring compliance with the Green Building Plan for the site (Step Code 3) as well as a commitment for the property owner/representative to submit the necessary information to NRCAN.
- 3.13 As the site is influenced by Kingsway, the applicant is required to provide an acoustical study showing that the proposed development would meet the Council-adopted noise criteria.
- 3.14 The applicant has submitted a Site Disclosure Statement. As there were no listed Schedule 2 commercial and industrial activities and uses that have the potential to cause contamination, no further action is required.

- 3.15 As the site will be fully excavated for development, a tree survey will be required prior to Final Adoption 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.
- 3.16 The provision of one car wash stall is required.
- 3.17 The submission of a Groundwater and Storm Water Management Plan is required. As well, a suitable engineered design 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 will be required.
- 3.18 The developer is responsible for undergrounding the overhead wiring abutting Kingsway.
- 3.19 The submission of a suitable Solid Waste and Recycling Plan is required.
- 3.20 The submission of a detailed Loading Management Plan is required.
- 3.21 Bicycle storage lockers and bicycle racks are to be provided.
- 3.22 The submission of a Green Building Plan and Energy Benchmarking is required.
- 3.23 The submission of a Communication Strategy Plan that provides the owners, strata, renters, rental management company and strata management company with an understanding and recommendations as to how best utilize the on-site amenities and alternative transportation provisions proposed for the development site is required.
- 3.24 A Comprehensive Sign Plan is required.
- 3.25 Development Cost Charges applicable to this rezoning include:
 - Parkland Acquisition Charge;
 - GVS & DD Sewerage Charge;
 - School Site Acquisition Charge;
 - Regional Water Cost Charge; and,
 - Regional Transportation Development Cost Charge.

3.26 Development Statistics

Site Area 2,270.95 m² (24,444.3 sq. ft.)

Site Coverage 58.97%

Density (FAR) and Gross Floor Area (GFA)

Density 3.025 FAR

C9 District 2.2 FAR
 Density Offset 0.825 FAR

Gross Floor Area* 6,869.39 m² (73,941.47 sq. ft.)

Residential 6,195.84 m² (66,691.49 sq. ft.)
 Commercial 673.55 m² (7,249.98 sq. ft.)

* Subject to minor changes to the resulting Gross Floor Area (GFA) as result of design refinements or detailed surveys, provided the proposed Density (FAR) is not exceeded.

Residential Units* 85 Units

Unit Mix - Bedrooms	Market Strata	Non-Market Rental
Studio	2	4
One Bedroom	-	1
One Bedroom (adapt.)	5	2
One Bedroom + Den	42	-
One Bedroom + Den (adapt.)	1	-
Two Bedroom	4	3
Two Bedroom (adapt.)	9	-
Two Bedroom + Den	10	-
Three Bedroom	2	-
Total Units	75	10

* The unit sizes will meet the minimum areas required by the Zoning Bylaw, including any additional area required for adaptable units, or units with dens.

*Final unit types, unit sizes, and floor plan designs may be further refined, subject to meeting City bylaws and provincial statutes, regulations, and codes, as amended from time to time.

Parking and Loading*

Vehicle Parking

Strata residential (1.00 spaces per unit)	75 spaces (including 11 accessible spaces)
Rental residential (0.50 spaces per unit)	5 spaces (including 1 accessible spaces)
Visitor Parking (0.10 spaces per unit)	9 visitor spaces (to be shared by Strata & Rental building)
Commercial (1 space per 46 m2)	14 spaces

Bicycle Parking

Secured Residential (2 spaces per unit)	170 spaces
Secured Commercial (1 space per 500 m2)	2 spaces
Residential Visitor (0.2 spaces per unit)	17 spaces
Commercial Visitor (1 space per 500 m2)	2 spaces

Loading 2 spaces

*The number of vehicle parking and loading spaces set out above may be varied, provided they comply with the Burnaby Zoning Bylaw, as amended from time to time, or the above, whichever is less.

Communal Facilities

Amenity facilities for the development include a gym on Level 1, a lounge on Level 2, an exterior amenity area adjacent the lounge, and common rooftop amenity areas on each of the two buildings. The proposed indoor amenity areas total approximately 141.46 m² (1,522.69 sq. ft.), which is less than the 5% (309.79 m² [3,334.57 sq. ft.]) permitted to be excluded from Gross Floor Area under the Zoning Bylaw.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

A Public Hearing will be held at a future date. In advance of that, the City will send a notice, at least 10 days before a Public Hearing, to those properties that are within a 30 m (100 ft.) radius of the property. A notice will also be published on the City’s website, distributed as part of the City’s online newsletter, and a sign regarding the proposal will be posted on the site.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

E.W. Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – REZ #21-16: Sketch #1 and Sketch #2

REPORT CONTRIBUTORS

This report was prepared by Lisa Scott, Development Planner, and reviewed by Jesse Dill, Director Development, and Lee-Ann Garnett, Deputy General Manager Planning and Development.