



Item
Meeting..... February 27, 2023

COUNCIL REPORT

TO: CHIEF ADMINISTRATIVE OFFICER February 16, 2023

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: **REZONING REFERENCE #22-03**
Non-Market Rental Apartment Building with In-Home Childcare
Sixth Street Community Plan

ADDRESS: 7730 6th Street (see *attached* Sketches #1 and #2)

LEGAL: Parcel "A" District Lot 28 Group 1 New Westminster District Reference Plan 66008

FROM: CD Comprehensive Development District (based on RM1 Multiple Family District)

TO: Amended CD Comprehensive Development District (based on RM3 and RM3r Multiple Family Districts and Sixth Street Community Plan as guidelines, and in accordance with the development plan entitled "Eastburn Square Affordable Housing" by VIA – A Perkins Eastman Studio)

APPLICANT: Metro Vancouver Housing Corporation
Metrotower III
4515 Central Boulevard
Burnaby, BC V5H 0C6
Attn: Jotty Gill

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on March 28, 2023.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on March 13, 2023 and to a Public Hearing on March 28, 2023 at 5:00 pm.
2. **THAT** the introduction of a Housing Agreement Bylaw be authorized according to the terms outlined in Section 4.2 of this report, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
3. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a. The submission of a suitable plan of development.

To: Chief Administrative Officer
From: General Manager Planning and Development
Re: REZONING REFERENCE #22-03
Non-Market Rental Apartment Building with In-Home Childcare
February 16, 2023 Page 2

- 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 submission of an undertaking to remove all improvements on the development site within 12 months of Final Adoption of the Rezoning Bylaw.
- e. The registration of a Housing Agreement and Housing Covenant.
- f. The submission of a suitable on-site stormwater management system, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.
- g. Compliance with the City's Groundwater Management for Multiple-Family and Mixed Commercial Development guidelines.
- h. The dedication of any rights-of-way deemed requisite.
- i. The granting of any necessary statutory rights-of-way, easements and/or covenants in accordance with Section 4.7 of this report.
- j. 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.
- k. The provision of a 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.
- l. The submission of a suitable Solid Waste and Recycling Plan.
- m. The review of on-site residential loading facilities by the General Manager of Engineering.
- n. Compliance with the guidelines for underground parking for visitors.
- o. The provision of facilities for cyclists in accordance with this report.
- p. The undergrounding of existing overhead wiring abutting the site.

To: Chief Administrative Officer
From: General Manager Planning and Development
Re: REZONING REFERENCE #22-03
Non-Market Rental Apartment Building with In-Home Childcare
February 16, 2023 Page 3

- q. Compliance with Council-adopted sound criteria.
- r. The submission of a Green Building Plan and Energy Benchmarking.
- s. A tree survey and arborist report of the site will be required to determine whether any existing trees are suitable for retention. If trees measuring 20 cm (8 in.) in diameter are required to be removed due to the site's development, then a tree removal permit will be required.
- t. The deposit of the applicable Parkland Acquisition Charge.
- u. The deposit of the applicable GVS & DD Sewerage Charge.
- v. The deposit of the Regional Transportation Development Charge.
- w. The submission of a written undertaking to distribute area plan notification forms, prepared by the City; and, to post area plan notification signs, also prepared by the City, on the development site and in any rental office in prominent and visible locations prior to Third Reading, and remain posted for a period of one year, or until such time that all units are rented, whichever is greater.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the construction of a six-storey multiple-family non-market rental building with an in-home childcare facility for up to 8 children.

2.0 POLICY FRAMEWORK

The proposed rezoning application is consistent with the following policies and plans adopted by Council: Regional Context Statement (2013), Corporate Strategic Plan (2022), Official Community Plan (1998), Sixth Street Community Plan (2012), Economic Development Strategy (2007), Social Sustainability Strategy (2011), Environmental Sustainability Strategy (2016), Transportation Plan (2021), HOME: Housing and Homelessness Strategy (2021), and Burnaby Housing Needs Report (2021), and Rental Use Zoning Policy (2020).

3.0 BACKGROUND

3.1 The subject site is located on the east side of 6th Street between 13th Avenue and 12th Avenue (see *attached* Sketch #1). It is currently improved with 30 townhouse units constructed in 1984. To the north, across 13th Avenue, is a two-storey multi-family development and single family dwellings. To the west, across 6th Street, are local commercial businesses and one single-family dwelling. To the south, across 12th Avenue, is a three-storey office building and single family dwellings. Immediately to the east is Eastburn Park and single-family dwellings.

To: Chief Administrative Officer
 From: General Manager Planning and Development
 Re: REZONING REFERENCE #22-03
 Non-Market Rental Apartment Building with In-Home Childcare
 February 16, 2023 Page 4

- 3.2 The subject site is located within the Sixth Street Community Plan area (see *attached* Sketch #2) and is designated for medium density multiple family residential use under the CD Comprehensive Development District, utilizing the RM3 and RM3r Multiple Family Residential Districts as a guideline. The site is currently zoned CD Comprehensive Development District, utilizing the RM1 Multiple Family District as a guideline.
- 3.3 On April 04, 2022, Council received an initial rezoning report which proposed to rezone the property to the CD Comprehensive Development District, utilizing the RM3 and RM3r Multiple Family Residential Districts and the Sixth Street Community Plan as guidelines. The applicant has now submitted a plan of development suitable for presentation at a Public Hearing.

4.0 GENERAL COMMENTS

- 4.1 The development proposal, as shown in *Figure #1*, is for a six-storey purpose built rental apartment building with a total of 174 residential rental units, an in-home child care for up to 8 children, indoor amenities, scooter parking for aging-in place, bike parking, and underground residential/visitor parking. Vehicular access to the underground parking area will be from 12th Avenue.

Figure #1 – Land Use and Tenure

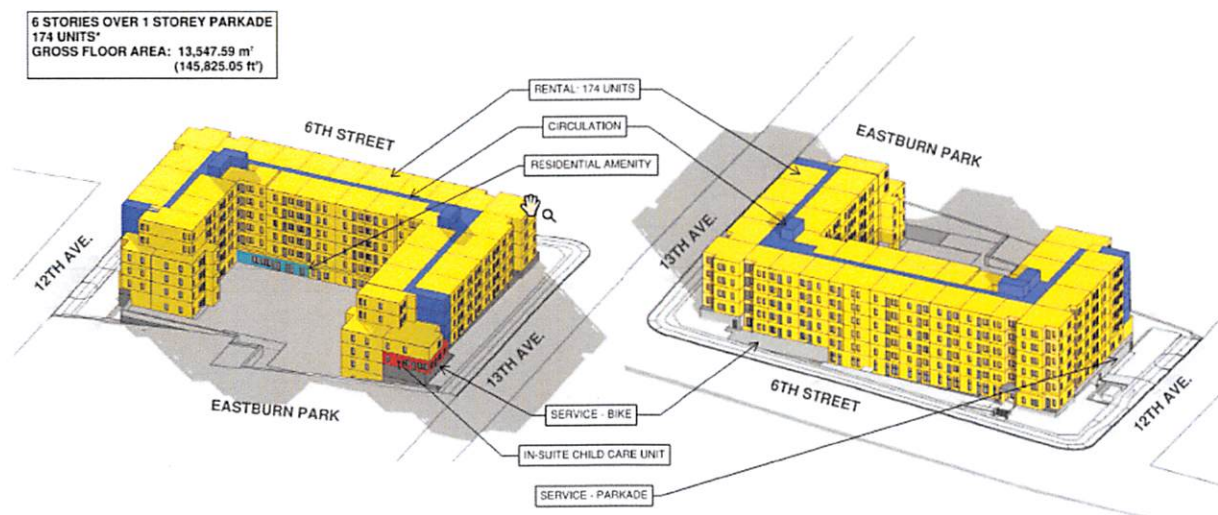


Table 1 shows the proposed Floor Area Ratio (2.32) which is below the maximum permitted FAR of 2.75. The applicant is proposing a mix of affordability for the 174 unit rental project, which will exceed the City of Burnaby’s Rental Use Zoning Policy affordability requirements. The applicant is seeking funding from provincial and federal government programs, and as such the rents could be at shelter rates, rent-geared-to-income (RGI), low-end-of-market (LEM), rates in line with the Burnaby Rental Use Zoning Policy, or a combination of rent

To: Chief Administrative Officer
 From: General Manager Planning and Development
 Re: REZONING REFERENCE #22-03
 Non-Market Rental Apartment Building with In-Home Childcare
 February 16, 2023 Page 5

levels, depending on the funding program achieved. At a minimum, the applicant is proposing 40% of units at 20% below CHMC median rental rates and 60% of units at low-end-of-market rental rates.

	Permitted (m²)	Proposed (m²)
RM3 Density	1.10	1.10
GFA	6415.31	6415.31
RM3r Density	1.10	1.10
GFA	6415.31	6415.31
RM3 Density Offset GFA	0.55 3207.65	0.12 716.98
TOTAL Density	2.75	2.32
TOTAL GFA	16,038.28	13,547.59

Table 1

- 4.2 The registration of a Section 219 Covenant securing a Housing Agreement Bylaw 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 adoption of a Housing Agreement Bylaw will be required prior to occupancy.
- 4.3 While the Tenant Assistance Policy would not apply to this rezoning application as it is being developed by a non-profit operator, the applicant developed a plan to relocate displaced tenants and as of January 2023, tenants within all 30 townhouse units have been relocated.
- 4.4 The development is providing 38 adaptable units within the apartment building, which exceeds the 20% minimum requirements of the Council-adopted Adaptable Housing Policy. A total of 21 accessible parking stalls will be provided in the underground parking area (20 within the residential parking area and 1 within the visitor’s parking area). The remaining units in the development (136) will meet either BC Building Code, BC Housing or CMHC criteria for accessible, adaptable or universal units.
- 4.5 All required parking for the development is proposed to be located underground, with access from 12th Avenue. The development will meet the Zoning Bylaw’s rental residential parking requirements, with a ratio of 0.6 spaces per unit (inclusive of 0.1 spaces per unit 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.
- 4.6 To support the off-site servicing requirements, corner truncations of 3.0 m (10 ft.) by 3.0 m (10 ft.) on 12th and 13th Avenue will be required.

To: Chief Administrative Officer
From: General Manager Planning and Development
Re: REZONING REFERENCE #22-03
Non-Market Rental Apartment Building with In-Home Childcare
February 16, 2023 Page 6

- 4.7 Any necessary easements, covenants, and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:
- Section 219 Covenant restricting enclosure of balconies;
 - Section 219 Covenant ensuring compliance with the approved acoustical study;
 - Section 219 Covenant preventing stratification of the rental units and ensuring that they are guaranteed as rental in perpetuity;
 - Section 219 Covenant to ensure a Housing Agreement Bylaw is completed prior to Occupancy Permit being issued and ensure the affordability measures of the rental units;
 - Section 219 Covenant guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - Section 219 Covenant ensuring compliance with the Green Building Plan for the site (Step 3 of the BC Energy Step Code) as well as a commitment for the property owner/representative to submit the necessary information to NRCAN; and,
 - Statutory-right-of way for a bus shelter along 12th avenue for maintenance purposes.
- 4.8 As the site is influenced by traffic noise from Sixth Street, an acoustical report will need to be undertaken, and a Section 219 Covenant required to ensure compliance with Council-adopted sound criteria.
- 4.9 As the site will be fully excavated for development, a tree survey will be required identifying any 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.
- 4.10 The provision of one enhanced car wash stall is required, which includes a bike wash rack, vacuum, hot and cold washer, and pressure washer.
- 4.11 The submission of a Groundwater and Storm Water Management Plan is required. An indemnification agreement may be required for groundwater management. As well, a suitable engineered design to the approval of the General Manager 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 will be required.
- 4.12 The submission of a suitable Solid Waste and Recycling Plan is required.
- 4.13 The submission of a detailed Loading Management Plan is required.
- 4.14 Bicycle storage lockers and bicycle racks are to be provided for the residential occupants and visitors of the development.
- 4.15 The submission of a Green Building Plan and energy benchmarking is required. The applicant has indicated that the building will meet Step 3 of the BC Energy Step Code.

To: Chief Administrative Officer
 From: General Manager Planning and Development
 Re: REZONING REFERENCE #22-03
 Non-Market Rental Apartment Building with In-Home Childcare
 February 16, 2023 Page 7

- 4.16 Applicable development cost charges will include:
- Parkland Acquisition Charge;
 - GVS & DD Sewerage Charge; and,
 - Regional Transportation Development Charge.

5.0 DEVELOPMENT PROPOSAL

5.1	<u>Gross Site Area</u>	-	5,832.10 m ² (62,776.20 sq. ft.)
	<u>Dedications</u>	-	328.45 m ² (3,535.41 sq. ft.)
	<u>Net Site Area</u>	-	5,503.65 m ² (59,240.80 sq. ft.)
5.2	<u>Site Coverage</u>	-	45%
5.3	<u>Building Height</u>	-	6 Storeys
5.4	<u>Density and Gross Floor Area</u>	-	2.32 FAR (Total)
	RM3 Floor Area Ratio	-	1.10 FAR
	RM3r Floor Area Ratio	-	1.10 FAR
	Density Offset Floor Area Ratio	-	0.12 FAR
	Gross Floor Area	-	13,547.59 m ² (145,825.05 sq. ft.)
5.5	<u>Unit Mix</u>		
	9 – Studio	-	36.05 – 40.69 m ² (388.00 – 438.00 sq. ft.)
	69 – 1 Bedroom	-	51.28 – 62.12 m ² (552.00 – 668.70 sq. ft.)
	38 – 2 Bedroom (COB Adaptable)	-	72.06 – 76.71 m ² (775.70 – 825.70 sq. ft.)
	48 – 2 Bedroom	-	68.59 – 81.72 m ² (738.30 – 879.60 sq. ft.)
	1 – 2 Bedroom & Childcare	-	103.89–108.54 m ² (1,118.30–1,168.30 sq. ft.)
	<u>9 – 3 Bedroom</u>	-	93.15 – 108.54 m ² (1,002.70–1,168.30 sq. ft.)
	174 Units		
	Total Rental Unit Count	-	174
5.6	<u>Vehicle Parking</u>		Required and Provided
	Rental residential (0.6 / unit)	-	105 spaces (including 18 visitor spaces and 21 accessible spaces)
	Car Wash	-	1 enhanced stall <i>*An enhanced stall consists of a bike wash rack, vacuum, hot and cold washer, and pressure washer.</i>

To: Chief Administrative Officer
From: General Manager Planning and Development
Re: REZONING REFERENCE #22-03
Non-Market Rental Apartment Building with In-Home Childcare
February 16, 2023 Page 8

- 5.7 Bicycle Parking **Required and Provided**
 - Secured Residential (2 / unit) - 348 spaces
 - Visitor (0.2 / unit) - 36 spaces (bike racks)
- 5.8 Scooter Parking **Provided**
 - 19 spaces
- 5.9 Loading **Required and Provided**
 - 1 space

5.10 Amenity Facilities:

Amenity facilities for the building are proposed on the main floor and include a lounge, event space with a full kitchen, and office. Collectively, the indoor amenity areas amount to 132.81 m² (1,429.51 sq. ft.), which is less than the maximum 5% of Gross Floor Area ((677.38 m² (7,291.25 sq. ft.)) permitted to be exempted as amenity space within the Zoning Bylaw. There is also an outdoor amenity courtyard, which includes an area for urban agriculture.


E.W. Kozak, General Manager
PLANNING AND DEVELOPMENT

KL/JS:spf
Attachments