



Item
Meeting..... 2022 February 28

COUNCIL REPORT

TO: CHIEF ADMINISTRATIVE OFFICER 2022 February 23

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: REZONING REFERENCE #20-27
Mixed-Use Development
Royal Oak Community Plan

ADDRESS: 6877, 6891, 6913, 6939, and 6945 Palm Avenue (see Sketch #1 *attached*)

LEGAL: Schedule A (*attached*)

FROM: M4 Special Industrial District

TO: CD Comprehensive Development District (based on RM3 Multiple Family Residential District, RM5r Multiple Family Residential District, C2 Community Commercial District, P1 Neighbourhood Institutional Districts and Royal Oak Community Plan as guidelines, and in accordance with the development plan entitled “6877, 6891, 6913, 6939, and 6945 Palm Avenue” prepared by DA Architects and Planners)

APPLICANT: Workers’ Capital (LMAO) Holding Corp.
4911 Canada Way
Burnaby, BC V5G 3W3
Attn: Paul Finch

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2022 March 29.

RECOMMENDATIONS:

1. **THAT** an amendment to the Royal Oak Community Plan, as described in Section 4.22 of this report, be approved, to take effect upon the granting by Council of Second Reading of the Rezoning Bylaw related to the subject site.
2. **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.

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Re: REZONING REFERENCE #20-27
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3. **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 4.7 of this report, and subject to the applicant pursuing the rezoning proposal to completion.
4. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2022 March 07 and to a Public Hearing on 2022 March 29 at 5:00 p.m.
5. **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 submission of an undertaking to remove all existing improvements from the site within 12 months of Final Adoption of the rezoning.
 - e) The completion of the Highway Closure Bylaw and sale of City property as described in Section 4.7 of this report.
 - f) The consolidation of the net project site into one legal parcel.
 - g) The registration of a Housing Agreement and Housing Covenant.
 - h) The submission of a detailed Sediment Control System.
 - i) The submission of a suitable on-site stormwater management system to the approval of the General Manager 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) Compliance with the City's Groundwater Management for Multi-Family and Mixed Commercial Development guidelines.

- k) The dedication of any rights-of-way deemed requisite.
- l) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- m) The provision of facilities for cyclists in accordance with this report.
- n) The submission of a suitable Solid Waste and Recycling plan.
- o) The review of on-site loading facilities.
- p) The provision of car wash stalls and an adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement the recycling provisions.
- q) 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.
- r) Compliance with Council-adopted sound criteria.
- s) The submission of a Site Disclosure Statement and resolution of any existing requirements.
- t) Compliance with the guidelines for underground parking for residential visitors and commercial patrons.
- u) The submission of a Green Building Plan and Energy Benchmarking.
- v) The submission of a detailed comprehensive sign plan.
- 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 Development Cost Charge.
- aa) The submission of a written undertaking to post area plan notification signs prepared by the City on the development site, prior to Third Reading.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the development of two rental residential towers (15 and 20 storeys) atop a podium that includes offices, a café, and a child care facility.

2.0 POLICY FRAMEWORK

The proposed rezoning and Royal Oak Community Plan amendment aligns with the following policies and plans adopted by Council: Corporate Strategic Plan (2017), Regional Context Statement (2013), Official Community Plan (1998), 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).

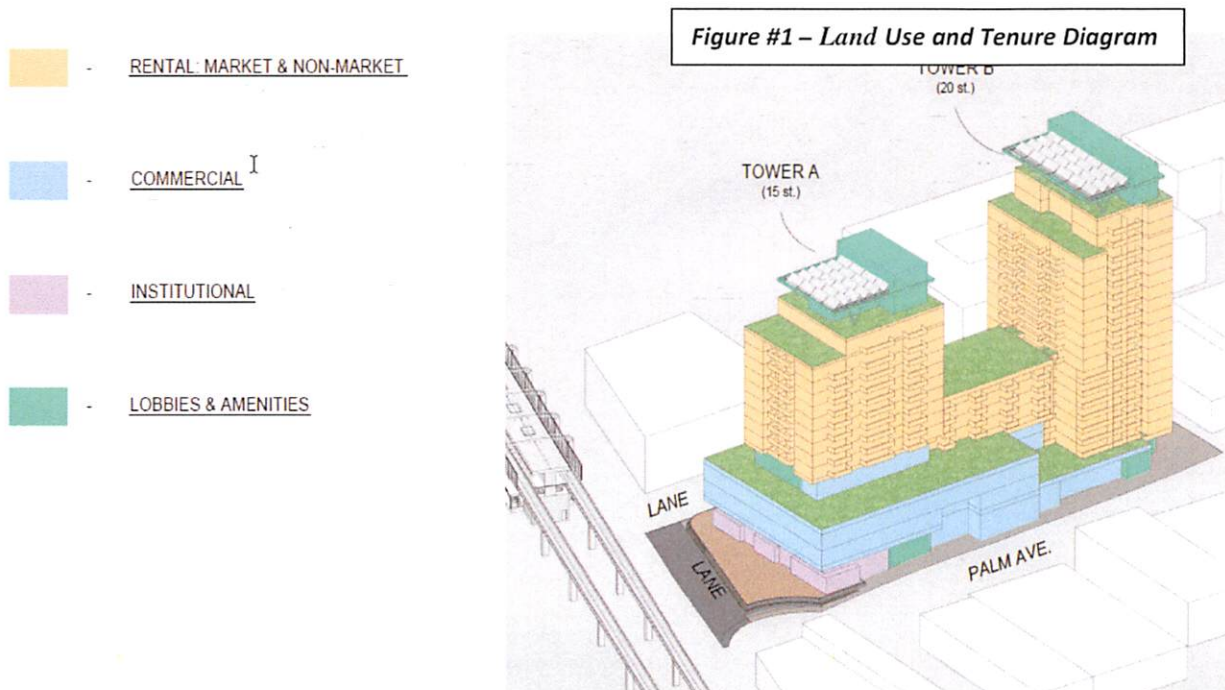
3.0 BACKGROUND

- 3.1 The subject site is located north of the Expo SkyTrain line on the west side of Palm Avenue, and is designated in the Royal Oak Community Plan Area for multiple-family residential development, utilizing the RM3 and RM3r Multiple Family Residential Districts (see *attached* Sketches #1 and #2). The subject site is comprised of five separate properties, each of which is improved with an older light-industrial building, as well as a small road closure area on the west portion of the existing cul-de-sac.
- 3.2 The applicant has advanced the subject rezoning based on the RM3 Multiple Family Residential District, RM5r Multiple Family Residential District, C2 Community Commercial District, and P1 Neighbourhood Institutional District, referring to the quick starts and recommendations of the *Mayor’s Task Force on Community Housing Final Report* as a policy basis for the application. Staff support the proposal as an implementation measure of the Mayor’s Task Force, given the specific location near SkyTrain, and as a result of the achievement of a significant number of non-market rental units and other public benefits on site. While the addition of the RM5r District to the proposal is subject to Council approval and would not require a broad amendment to the Royal Oak Community Plan, a site specific amendment to the Plan would be required in order to add C2 Commercial District and P1 Neighbourhood Institutional District uses to the site, as well as to accommodate the proposed taller building forms, which are generally consistent with emerging building concepts for other Urban Village areas in Burnaby (e.g. Bainbridge and Lochdale community plan areas).

3.3 On 2020 December 7, Council received the report of the Planning and Development Department regarding the rezoning of the subject site and authorized staff to work with the applicant towards a suitable plan of development, with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation at a Public Hearing.

4.0 GENERAL COMMENTS

4.1 The applicant is requesting rezoning to the CD Comprehensive Development District (based on RM3 Multiple Family Residential, RM5r Multiple Family Residential, C2 Community Commercial, and P1 Neighbourhood Institutional Districts) in order to permit the development, as shown in Figure #1, of a new mixed-use rental housing development. The proposed development is comprised of two rental residential towers (15 and 20 storeys) atop a podium accommodating office uses, as well as a café, and an affordable childcare facility. The rental housing is intended to be a mix of non-market and market rental housing operated by a non-profit housing operator, with half the units at rental rates 20% below the Canadian Mortgage and Housing Corporation (CMHC) market median rate, with the applicant intending to bring the affordability rate down further for a portion of the non-market units. The office portion for the BCGEU includes a conference facility, fitness amenity, and accessory print shop. The child care facility with outdoor play area will accommodate 49 children – two groups of 12 spaces for those under 36 months of age and 25 spaces for those 30 months to school age. All parking is provided underground, with vehicular access provided from the lane.



4.2 The potential and proposed maximum densities are shown in Table 1 below. It is noted that while the addition of the P1 District was not noted in the initial report to Council – the maximum density was noted as 5.15 FAR without the P1 District – its addition is considered supportable in order to accommodate the minor increase in density necessary for the desired child care facility.

	Permitted (m ²)	Proposed (m ²)	Proposed Units
C2 Commercial Density	1.16	1.09	-
GFA	6,357.58	5,975.61	-
P1 Institutional Density	0.11	0.11	-
GFA	586.38	586.38	-
RM3 Density	1.10	1.10	81
GFA	6,038.67	6,038.67	81
RM3 Density Offset	0.55	0.55	40
GFA	3,019.34	3,019.34	40
RM5r Density	2.20	2.20	161
GFA	12,077.34	12,077.34	161
C2 Rental Residential	0.14	0.14	10
GFA	779.03	779.03	10
TOTAL Density	5.26	5.19	292
TOTAL GFA	28,858.34	28,476.37	292

Table 1

4.3 The development is providing 62 adaptable units, which meets the 20% minimum requirement of the Council-adopted Adaptable Housing policy.

4.4 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.

4.5 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:

- Construction of a delta island to restrict Palm Avenue to right-in/right-out access at Imperial Street;
- Construction to the local street standard adjacent the site (both curbs relocated to create an 11 m roadway, complete with separated sidewalks, street trees, and street and pedestrian lighting across the development frontage);

- Construction of a new east-west laneway between Palm Avenue and the north-south laneway, at the south end of the development site;
- Elimination of the cul-de-sac once the laneways to the east and west of Palm Avenue are constructed;
- Construction of a paved multi-use path connection to the BC Parkway from the end of the cul-de-sac, including a let-down for on-street cyclists;
- Potential construction of a walkway along the BC Parkway; and,
- Upgrading of storm, sanitary sewer, and water main services as required.

4.6 To support the foregoing servicing requirements, a lane dedication of approximately 6.1 m is required at the south end of the site for the construction of a new east-west laneway between Palm Avenue and the north-south laneway, 3.0 m by 3.0 m lane dedication truncations are required where the new laneway intersects Palm Avenue and the north-south laneway, and a statutory right-of-way is required extending 4.5 m from the existing cul-de-sac curb to accommodate the cul-de-sac and public realm until they are relocated.

4.7 The project site includes the closure of a portion of the cul-de-sac measuring approximately 63.3 m² (681 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.

4.8 The preparation of a Traffic Impact Assessment will be required.

4.9 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;
- Section 219 Covenant for the provision of end-of-trip and bicycle storage facilities for cyclists;
- Section 219 Covenant restricting use of the two guest suites;
- Section 219 Covenant ensuring compliance with the approved acoustical study;
- Section 219 Covenant guaranteeing the provision and ongoing maintenance of stormwater management facilities; and,

- Section 219 Covenant ensuring compliance with the Green Building Plan for the site (Step 2 of the BC Energy Step Code with Low Carbon Energy Systems) as well as a commitment for the property owner/representative to submit the necessary information to NRCAN.
- 4.10 The consolidation of the net project site into one legal parcel is required.
- 4.11 Fraser Health Authority approves child care facilities through administration of the Child Care Licensing Regulation (CCLR) of the Community Care and Assisted Living Act. With respect to this proposal, the applicant has submitted a letter from the Fraser Health Authority indicating that, based on submitted plans, they are able to approve in principal the physical space of the facility.
- 4.12 As the site is influenced by its proximity to the SkyTrain line, the applicant is required to provide an acoustical study showing that the proposed development would meet the Council-adopted noise criteria.
- 4.13 Given the site's past history, a Site Disclosure Statement and resolution of any resultant conditions is required.
- 4.14 The provision of three car wash stalls is required.
- 4.15 The submission of a groundwater and stormwater 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 and landscape features will be required.
- 4.16 The submission of a detailed plan of an engineered Sediment Control System is required.
- 4.17 The submission of a suitable Solid Waste and Recycling Plan is required.
- 4.18 The submission of a detailed Loading Management Plan is required.
- 4.19 The submission of a Green Building Plan and energy benchmarking is required. The applicant has indicated that the development will meet Step 2 of the BC Energy Step Code with Low Carbon Energy Systems.
- 4.20 A Comprehensive Sign Plan is required.
- 4.21 Development Cost Charges applicable to this rezoning include:
- Parkland Acquisition Charge;
 - GVS&DD Sewerage Charge;

- School Site Acquisition Charge; and,
- Regional Transportation Development Cost Charge.

4.22 As noted above, to accommodate the proposed development, an amendment to the Royal Oak Community Plan is proposed in order to add C2 Commercial and P1 Institutional District uses to the site, as well as to accommodate the form contemplated in this rezoning application. If supported, the proposed plan amendment would take effect upon the granting by Council of Second Reading of the Rezoning Bylaw related to the subject site.

5.0 DEVELOPMENT STATISTICS

5.1	<u>Site Area</u>	-	5,489.7 m ² (59,091 sq. ft.)
5.2	<u>Site Coverage</u>	-	53%
5.3	<u>Density</u>	-	5.19 FAR
	RM3 District	-	1.1
	RM3 District Offset Density	-	0.55
	RM5r District	-	2.2
	C2 District	-	1.23
	P1 District	-	0.11
5.4	<u>Gross Floor Area (GFA)</u>	-	28,476.37 m ² (306,517 sq. ft.)
	Residential Use	-	21,914.38 m ² (235,884 sq. ft.)
	Office and Café	-	5,975.61 m ² (64,321 sq. ft.)
	Child Care Facility	-	586.38 m ² (6,312 sq. ft.)
5.5	<u>Maximum Height</u>	-	20 Storeys or 65.35 m (214.4 ft.)
5.6	<u>Residential Unit Mix</u>		
	<u>Market Rental</u>		
	2 - Studio units	-	35.2 m ² (379 sq. ft.)
	51 - 1 bedroom units	-	50 – 51.2 m ² (538.21 – 551.12 sq. ft.)
	18 - Adaptable 1 bedroom units	-	54.3 – 55.9 m ² (584.48 - 602 sq. ft.)
	42 - 2 bedroom units	-	66.4 – 73.3 m ² (715 - 789 sq. ft.)

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5.10 Communal Facilities

Communal facilities for building residents include a fitness facility, two guest suites, and two indoor amenity rooms. There are also outdoor amenity areas, including a children’s play area between the two mid-rise towers, and common amenity roof decks. The internal amenity area amounts to 1,042.79 m² (11,224 sq. ft.), which is less than the 5% (1,095.72 m² [11,794 sq. ft.]) permitted to be excluded from Gross Floor Area (GFA) under the Zoning Bylaw.



E. W. Kozak, General Manager
PLANNING AND DEVELOPMENT

LS:spf

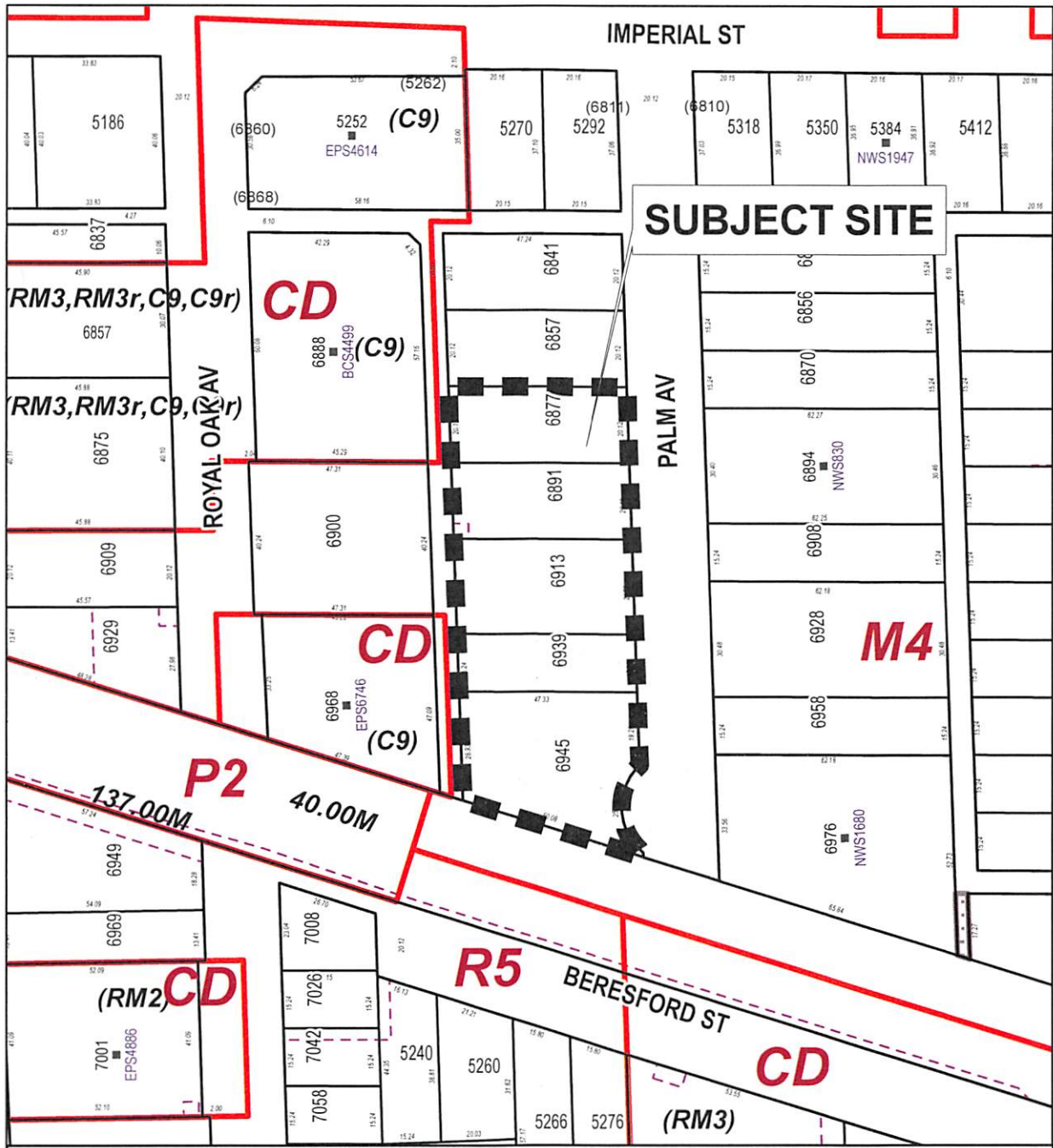
Attachments


cc: City Solicitor
City Clerk

P:\49500 Rezoning\20 Applications\2020\20-27 6877-6945 Palm Avenue\Council Reports\Rezoning Reference 20-27 PH Report 2022.02.28.docx

**REZONING REFERENCE #20-27
SCHEDULE A**

ADDRESS	PID	LEGAL DESCRIPTION
6877 Palm Avenue	002-245-299	Lot 18 Block 4 and 5 District Lot 98 Group 1 New Westminster District Plan 2066
6891 Palm Avenue	003-297-349	Lot 17 Blocks 4 and 5 District Lot 98 Group 1 New Westminster District Plan 2066
6913 Palm Avenue	012-450-324	Parcel "C" (Explanatory Plan 10392) Lots 15 and 16 Blocks 4 and 5 District Lot 98, Group 1 New Westminster District Plan 2066
6939 Palm Avenue	002-440-644	Lot 15 Except: Explanatory Plan 10392 Block 4 District Lot 98 Group 1 New Westminster District Plan 2066
6945 Palm Avenue	002-632-985	Lot 104 District Lot 98 Group 1 New Westminster District Plan 52114



 City of Burnaby


Date: JAN 21 2022

scale: 1:1,700

Drawn By: RW

PLANNING AND DEVELOPMENT DEPARTMENT

REZONING REFERENCE #20-27
6877, 6891, 6913, 6939 AND 6945 PALM AVENUE

 Subject Site

