



Item.....
Meeting..... 2022 May 30

COUNCIL REPORT

TO: CHIEF ADMINISTRATIVE OFFICER 2022 May 25

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: **REZONING REFERENCE #17-35**
High-Rise Tower with Townhouses
Metrotown Downtown Plan

ADDRESS: 5852 Patterson Avenue (see Sketches #1 and #2 *attached*)

LEGAL: Lot 98 District Lot 151 Group 1 New Westminster District Plan 34618

FROM: RM3 Multiple Family District

TO: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, RM5r Multiple Family Residential District, and Metrotown Downtown Plan as guidelines, and in accordance with the development plan entitled "5852 Patterson Avenue" prepared by GBL Architects)

APPLICANT: Brook Pooni Associates Inc.
Suite 200- 1055 West Hastings Street
Vancouver, BC V6E 2E9
Attn: Blaire Chisholm

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2022 June 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2022 May 30 and to a Public Hearing on 2022 June 28 at 5:00 p.m.
2. **THAT** the introduction of a Housing Agreement Bylaw be authorized according to the terms outlined in Section 4.4 of this report, and 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.
 - b. The deposit of sufficient monies, including a 4% Engineering Administration 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 utilization of an amenity bonus through the provision of a cash-in-lieu contribution in accordance with Section 4.3 or this report.
- f. The registration of a Housing Agreement and Housing Covenant.
- g. 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.
- h. Compliance with the City's Groundwater Management for Multiple-Family Development guidelines.
- i. The dedication of any rights-of-way deemed requisite.
- j. The granting of any necessary statutory rights-of-way, easements and/or covenants.
- k. The provision of facilities for cyclists in accordance with this report.
- l. The submission of a suitable Solid Waste and Recycling Plan.
- m. The review of on-site residential loading facilities.
- n. The provision of a 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.
- o. 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.
- p. Compliance with Council-adopted sound criteria.
- q. Compliance with the guidelines for underground parking for visitors.

- r. The submission of a Public Art Plan.
- s. The submission of a Green Building Plan and Energy Benchmarking.
- t. The deposit of the applicable Parkland Acquisition Charge.
- u. The deposit of the applicable GVS & DD Sewerage Charge.
- v. The deposit of the applicable School Site Acquisition Charge.
- w. The deposit of the applicable Regional Transportation Development Cost Charge.
- x. The submission of a written undertaking to post area plan notification signs prepared by the City on the development site, prior to Third Reading.

R E P O R T

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the development of a single 26-storey high-rise multiple family development which includes strata townhouse units, non-market rental apartments, and strata apartments.

2.0 POLICY FRAMEWORK

The proposed rezoning application is consistent with the following policies and plans adopted by Council: Corporate Strategic Plan (2017), Regional Context Statement (2013), Official Community Plan (1998), Metrotown Downtown Plan (2017), Economic Development Strategy (2007), Social Sustainability Strategy (2011), Environmental Sustainability Strategy (2016), Climate Action Framework (2020), Transportation Plan (2021), “HOME: Housing and Homelessness Strategy” (2021), and Burnaby’s Housing Needs Report (2021).

3.0 BACKGROUND

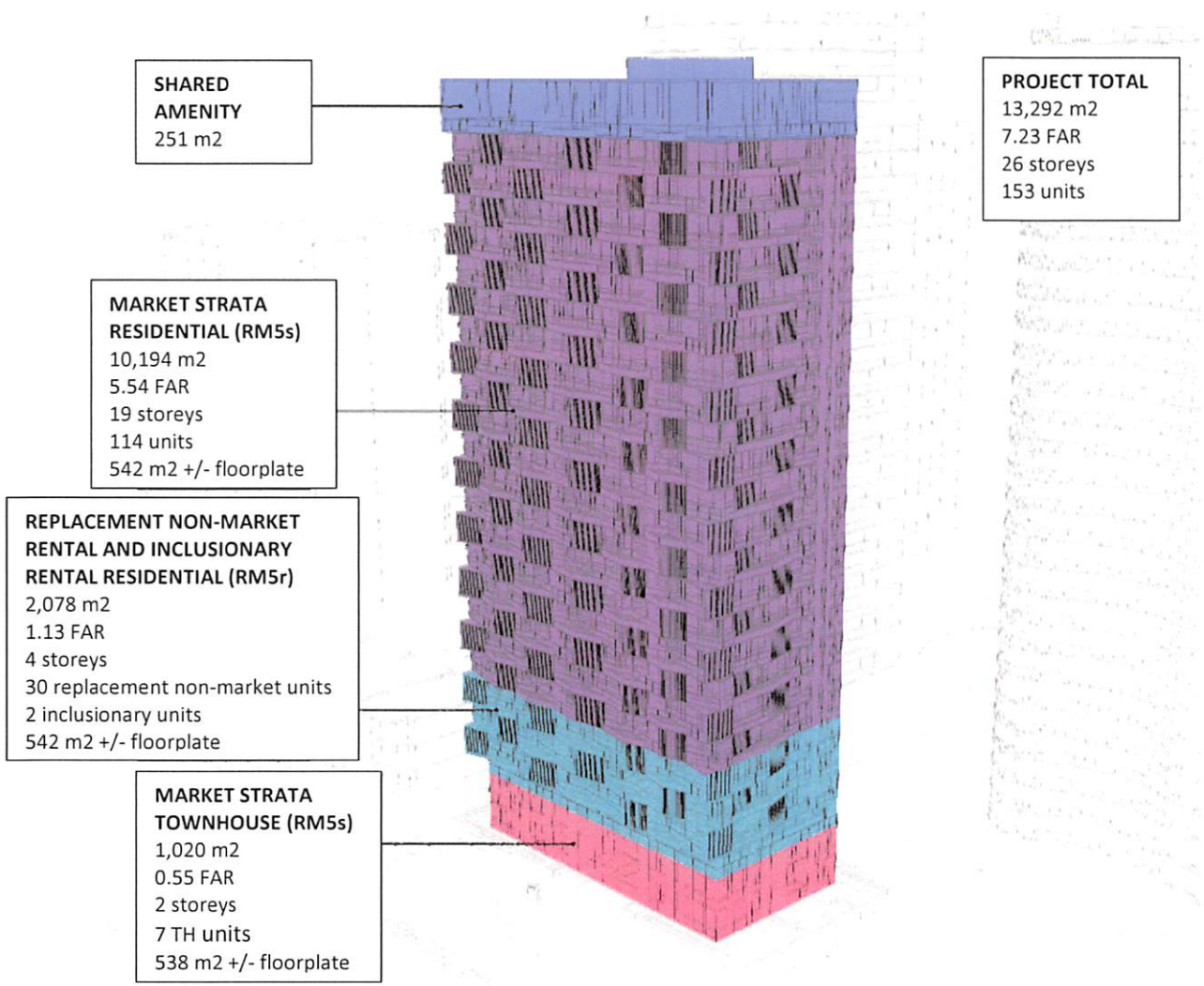
- 3.1 The subject development site is located within Central Park East neighbourhood of the Metrotown Downtown Plan area, and is designated for high density multiple family residential development under the CD Comprehensive Development District, utilizing the RM5s and RM5r Multiple Family Residential Districts as guidelines (see *attached* Sketch #2). The development site is comprised of a single property currently improved with a 30-unit three-storey residential rental building constructed in 1969.
- 3.2 On 2018 January 29, Council received an initial rezoning report for the subject rezoning application. 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 permissible density offset, and is suitable for presentation to a Public Hearing.

4.0 GENERAL COMMENTS

4.1 The proposed development plan, as shown in Figure #1, is for a single 26-storey building. A total of 153 residential dwelling units are proposed, comprised of seven strata townhouse units, 32 rental apartments, and 114 strata apartments. All parking is to be provided underground with vehicular access provided from the statutory right-of-way to the east at 5889 Barker Avenue.

Figure #1 – Land Use and Tenure Diagram



4.2 The maximum potential density may be up to 8.3 FAR for an RM5s and RM5r zoned site, comprised of: 2.2 FAR base, 0.4 FAR base bonus, 1.2 FAR supplementary base, 1.2 FAR supplementary bonus RM5s density, 1.1 FAR offset, and 2.2 FAR RM5r density. The proposed total density for the subject site is 7.23 FAR, as outlined in Table 1 below.

Zoning: CD (RM5s, RM5r)
Site Area: 1,838.5 m²

	Permitted (m ²)	Proposed (m ²)	Proposed Units
RM5s Base Density	2.20	2.20	43
GFA	4,044.7	4,044.7	
RM5s Bonus Density	0.40	0.40	8
GFA	735.4	735.4	
RM5s Suppl. Base Density	1.20	1.20	24
GFA	2,206.2	2,206.2	
RM5s Suppl. Bonus Density	1.20	1.20	24
GFA	2,206.2	2,206.2	
RM5r Density	2.20	1.13	32
GFA	4,044.7	2,078.44	
RM5s Density Offset	1.10	1.10	22
GFA	2,022.35	2,020.75	
TOTAL Density	8.30	7.23	153
TOTAL GFA	15,259.55	13,291.69	

Table 1

4.3 As noted in Table 1, the applicant is proposing to use the amenity density bonus provisions indicated within the Zoning Bylaw. In so doing, the applicant would achieve an additional 1.6 FAR in amenity density bonus, which translates into 2,941.6 m² (31,663 sq. ft.) of bonused gross floor area (GFA) included in the development proposal. The Realty and Lands Division of the Department of Lands and Facilities will initiate discussions with the applicant on the amenity bonus value. A separate report detailing the value of the density bonus will be forwarded to Council for consideration and approval prior to the subject amendment bylaw receiving Third Reading. 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 and 20% to the Community Benefit Bonus Affordable Housing Reserve.

4.4 With respect to the rental component of the project, this application is proposed to be processed in accordance with the City’s Rental Use Zoning Policy, utilizing Stream 1 – Rental Replacement and Stream 2 – Inclusionary Rental. The development meets the rental replacement rental obligation to provide 30 replacement rental units at below-market rates (pre-development rents for returning tenants subject to RTA rental increases during construction, and 20% below Canada Mortgage and Housing Corporation (CMHC) median market rates for

the Metrotown Central Park rental survey area for new tenants). Two inclusionary rental units will accommodate market and CMHC market median rental units, provided at a 1:1 ratio. It is noted that the proposal meets the requirements of the Rental Use Zoning Policy.

- 4.5 The development is providing 32 adaptable units, which meets the 20% minimum requirement of the Council-adopted Adaptable Housing policy. The 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.
- 4.6 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.
- 4.7 It is intended that the overall project would accommodate a broader spectrum of housing needs. To support this, a portion of the market strata one bedroom unit sizes are generally based on the Zoning Bylaw minimum rental unit sizes, which requires a minimum area of 50 m² (538.21 sq. ft.). 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 two bedroom and three bedroom units are proposed.
- 4.8 A parking ratio of 1.1 spaces per market strata unit and 0.6 spaces per rental unit is proposed for the development. 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 support alternative modes of transportation to and from the development site, the applicant will be providing a comprehensive Transportation Demand Management (TDM) strategy including:
 - a transit pass subsidy equivalent to a two-zone pass for 15% of the strata units and 100% of rental units for two years;
 - two secured bike parking spaces for each residential (strata and rental) unit;
 - as car share stalls are not able to be suitably accommodated on site, funding equivalent to the cost of purchasing two vehicles and constructing two car share spaces, to be utilized towards memberships and driving credits for car share, offered to all strata and rental residents, or additional funding for transit pass subsidy; 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.

A Section 219 Covenant and sufficient financial securities will be required to guarantee the provision of these measures.

- 4.9 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 Patterson Avenue frontage to the Town Centre two-lane collector standard with separated cycling and pedestrian facilities, rain gardens, tree boulevard, street and pedestrian lighting; and,
 - upgrading of storm, sanitary sewer, and water main services as required.
- 4.10 To support the off-site servicing requirements, a road dedication of approximately 148.3 m² (1,596 sq. ft.), subject to final civil drawings, is required along the Patterson Avenue frontage.
- 4.11 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 that the non-market rental units meet and maintain the affordability criteria;
 - 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;
 - Section 219 Covenant ensuring that the density of development of air space 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;
 - Section 219 Covenant guaranteeing the provision and ongoing maintenance of public art;
 - Section 219 Covenant to ensure alternative transportation provisions for the development; 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.
- 4.12 As the site is influenced by its proximity to Kingsway and the Expo 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 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.
- 4.14 The provision of one car wash stall is required.

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- 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 Residential Loading Management Plan is required.
- 4.19 The submission of a Public Art Plan detailing the concept, character, and location of public art on site as well as details of the budget, terms, and the artist selection process is required.
- 4.20 The submission of a Green Building Plan and energy benchmarking is required. The applicant has indicated that the development will meet Step 3 of the BC Energy Step Code.
- 4.21 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.
- 4.22 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.

5.0 DEVELOPMENT STATISTICS

5.1	<u>Site Area</u>	1,838.5 m² (19,789 sq. ft.)
5.2	<u>Site Coverage</u>	29%
5.3	<u>Density-</u>	7.23 FAR
	RM5s District	
	Base	2.20 FAR
	Bonus	0.40 FAR
	Supplemental Base	1.20 FAR
	<u>Supplemental Bonus</u>	<u>1.20 FAR</u>
	Subtotal	5.00 FAR

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	Density Offset	1.10 FAR
	RM5r District	1.13 FAR
5.4	<u>Gross Floor Area</u>	13,291.69 m² (143,070 sq. ft.)
5.5	<u>Height</u>	26 Storeys
5.6	<u>Residential Unit Mix</u>	
	<u>Market Strata</u>	
	38 - 1 bedroom units	55.98 m ² (602 sq. ft.)
	12 - 2 bedroom units	79.06 m ² (850 sq. ft.)
	26 - Adaptable 2 bedroom units	79.06 m ² (850 sq. ft.)
	38 - 3 bedroom units	91.97 m ² (990 sq. ft.)
	5 - 2 bedroom townhouse units	100.34 – 111.2 m ² (1,080 – 1,197 sq. ft.)
	<u>2 – 3 bedroom townhouse units</u>	138.43 m ² (1,490 sq. ft.)
	121 units	

Non-Market Rental (Replacement)

4 - Studio units	43.48 – 47.19 m ² (468 – 508 sq. ft.)
16 - 1 bedroom units	50.07 – 55.93 m ² (539 – 602 sq. ft.)
6 - Adaptable 1 bedroom units	50.07 – 55.93 m ² (539 – 602 sq. ft.)
<u>4 - 2 bedroom units</u>	67.82 m ² (732 sq. ft.)
30	

Non-Market Rental (CMHC Market Median Rates)

<u>1 - 2 bedroom unit</u>	67.82 m ² (732 sq. ft.)
1 unit	

Market Rental

<u>1 - 2 bedroom unit</u>	67.82 m ² (732 sq. ft.)
1 unit	

TOTAL NUMBER OF UNITS: 153 units

5.7	<u>Vehicle Parking</u>	<u>Required</u>	<u>Provided</u>
	Strata Residential (including 13 visitor spaces and 15 accessible spaces)	133	135
	Rental Residential (including 3 visitor spaces and 4 accessible spaces)	20	20
	Car Wash	1	1

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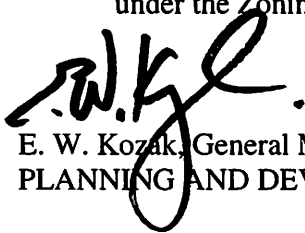
5.8	<u>Bicycle Parking</u>	<u>Required</u>	<u>Provided</u>
	Secured Residential Lockers	306	306
	Residential Visitor Racks	31	40

5.9 Loading

Total Required and Provided 1 bay

5.10 Communal Facilities

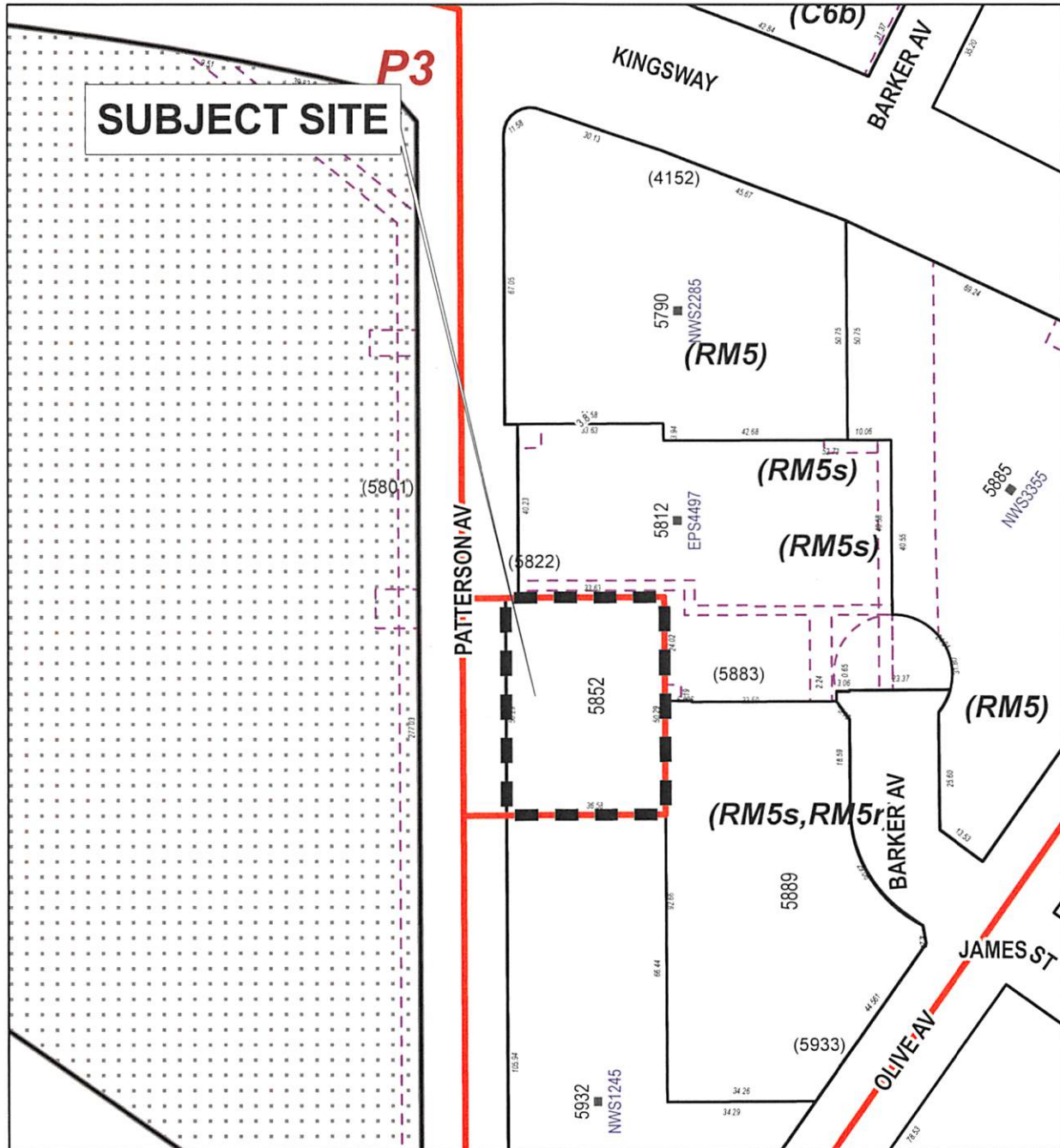
A common amenity room for all residents is located on the top floor of the development. The proposed indoor amenity measures approximately 251.11 m² (2,703 sq. ft.), which is less than the 5% (664.58 m² [7,154 sq. ft.]) permitted to be excluded from Gross Floor Area (GFA) under the Zoning Bylaw.



E. W. Kozak, General Manager
PLANNING AND DEVELOPMENT

LS:tn
Attachments

cc: City Solicitor
City Clerk



PLANNING AND DEVELOPMENT DEPARTMENT



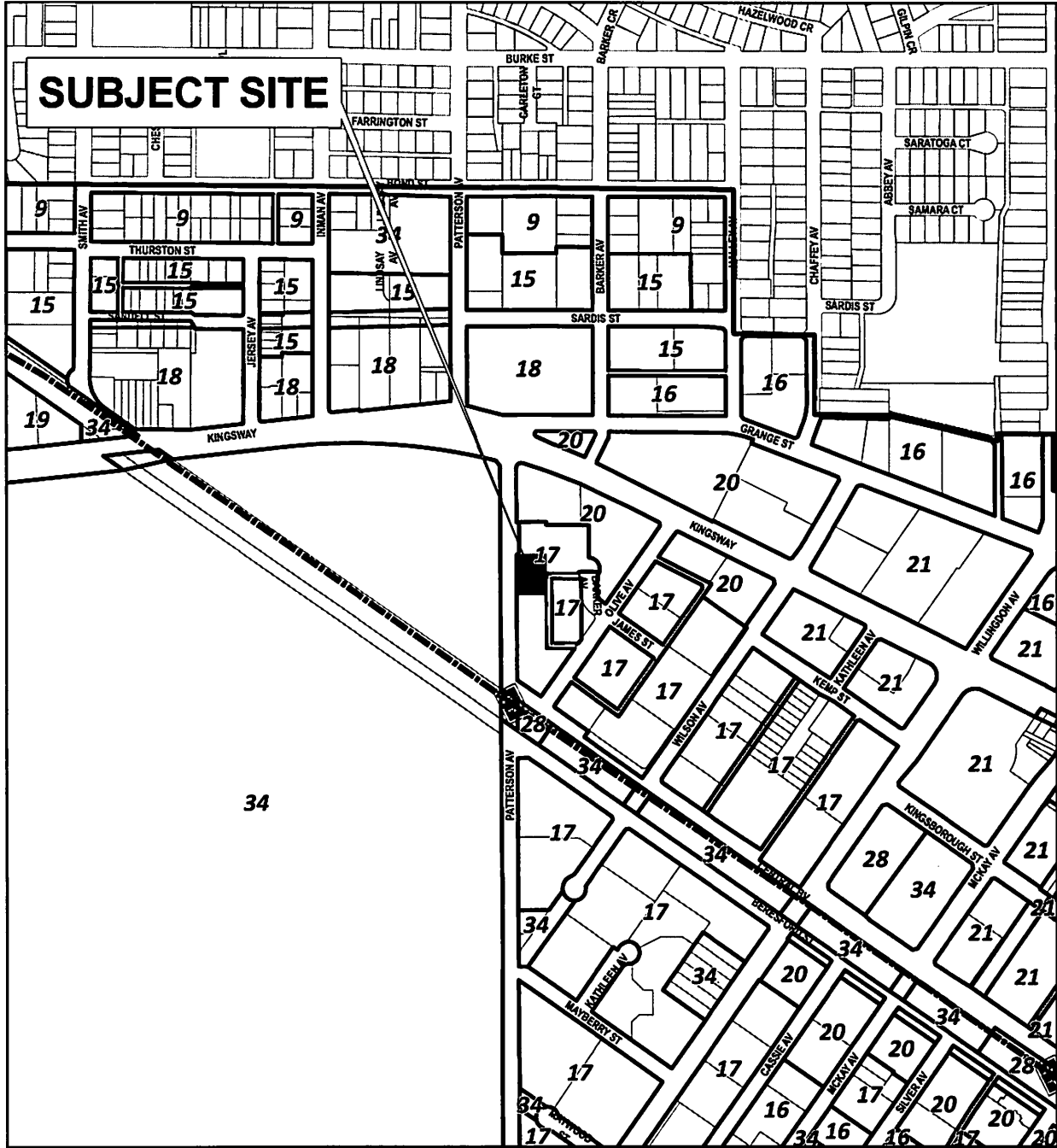
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Drawn By: RW

**REZONING REFERENCE#17-35
5852 PATTERSON AVENUE**

 Subject Site



- 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 DEVELOPMENT DEPARTMENT

Metrotown Plan

