

ITEM 16
MANAGER'S REPORT NO. 7
COUNCIL MEETING 90/01/29

RE: REZONING REFERENCE NO. 43/87
5055/5065 IRVING STREET

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1990 JANUARY 24
FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: **5055/5065 IRVING STREET**
REZONING REFERENCE #43/87

PURPOSE: To provide information regarding the subject rezoning application in response to Mr. Joseph A. Handja's delegation to Council on 1990 January 15.

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RECOMMENDATION:

- 1) THAT a copy of this report be sent to Mr. Joseph A. Handja, 1451 Fell Avenue, Burnaby, B.C. - V5B 3Z2.

R E P O R T

1.0 INTRODUCTION:

On 1990 January 15, Mr. Joseph A. Handja appeared as a delegation to Council regarding the above-noted rezoning application. The thrust of his presentation and the sketches provided was a request that the applicable RM3 Floor Area Ratio of 1.1 be applied to the gross site before required road dedications were made.

2.0 BACKGROUND AND DISCUSSION:

Attached is a copy of the rezoning report received by Council on 1987 May 19 in response to the rezoning application for the subject site made in 1987 April. The recommendation to approve the applicant's request for RM3 zoning (which due to the applicable two-storey height limitations and setback requirement would have resulted in a maximum Floor Area Ratio of approximately 0.85) was not adopted by Council. Instead, the matter was referred back to staff to discuss CD Comprehensive Development (RM3) zoning with a maximum Floor Area Ratio of 1.1 (achievable through relaxation of the applicable maximum building height) and with roads dedicated and constructed at the applicant's cost. This approach is consistent with the site's designation in the adopted Apartment Study Area (see attached Sketch #1) and adjacent RM3 sites (see attached Sketch #2).

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Staff pursued discussions with the applicant as directed and were informed by a letter from the applicant dated 1987 July 03 that a professional designer was being consulted in this regard. No plans were submitted, however, and instead the applicant has advanced the argument over the last two years that the Floor Area Ratio calculation should be based upon the gross site area i.e. prior to dedications for required road widening. The applicant (and more recently Mr. Handja) have consistently been advised that this is clearly at odds with the established application of the Zoning Bylaw which has been consistently observed in such matters, namely that the Floor Area Ratio must be calculated upon the net site area after all deductions and all reductions to the site have been made. If this were not observed, the size and density of a development would be disproportionate to its lot size at the time it is actually developed. For example, the floor area proposed in the past by the applicant, and proposed in the current sketches submitted by Mr. Handja, results in a Floor Area Ratio of approximately 1.4, which is an RM4 density, about 27% higher than that provided in the adopted guidelines for the site or adjacent RM3 buildings.

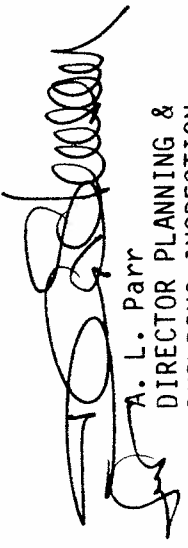
3.0 CONCLUSION:

Staff will contact Mr. Handja to discuss various means of establishing optimum development under RM3 guidelines, without abandoning the stated principle that Floor Area Ratio calculations are based upon the net site area, and consistent with Council's earlier direction.

This is for the information of Council.

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RR:ap

Attachments


A. L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

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SKETCH 1
 1990 JAN.

- First priority area
- Proposed medium density apartment area
- Existing medium density apartment development
- Proposed high density apartment area
- Existing high density apartment development
- Commercial centre
- Commercial/High density apartment area
- Transit centre
- Trail system

NOTE:
 See adopted Metrotown conceptual development plan and Community Plan Areas 1 & 4 for land use refinements since 1969.

SUBJECT SITE
 RZ# 43/87



Reference date 1969 April
 Updated to 1981 October



APARTMENT STUDY AREA L

THE CORPORATION OF THE DISTRICT OF METRO

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PLANNING & BUILDING INSPECTION
REZONING REFERENCE #43/87
1987 MAY 19

ITEM # 13

1.0 GENERAL INFORMATION:

1.1 Applicant:

Alexander, Holburn, Beaudin & Lang
1800 Toronto Dominion Bank Tower
P.O. Box 10057 Pacific Centre
700 West Georgia Street
Vancouver, B.C. V7Y 1B8

Attn: Mr. William T. Lane

1.2 Subject:

Application for the rezoning of:

Parcel "A", D.L. 32, Grp. 1, NWD,
Reference Plan 74046

From: R5 Residential District
To: RM3 Multiple Family Residential
District

1.3 Address:

5055 & 5065 Irving Street

1.4 Location:

The subject site is located on the east side of Marlborough Avenue, between Newton Street and Irving Street (see attached Sketch 1).

1.5 Size:

The site has a gross area of 1854 m² (19,957 sq. ft.) and a net area of approximately 1470 m² (15,830 sq. ft.) following necessary road dedications.

1.6 Services:

The Director Engineering will be requested to provide all relevant servicing information.

1.7 Rezoning Purpose:

The purpose of the proposed rezoning bylaw amendment is to accommodate development of an apartment building.

2.0 SITE OBSERVATIONS:

The subject site is located within the Residential/School Site Area 5 of Metrotown (see Sketch 2). The site is currently occupied by two older dwellings. Three-storey apartment buildings are located to the east and across Newton Street to the north. To the west across Marlborough Avenue is a commercial office building while to the south across Irving Street is a site intended for comprehensive commercial redevelopment.

3.0 GENERAL OBSERVATIONS:

- 3.1 The proposed rezoning of the subject site for apartment use would be consistent with the adopted Metrotown Development Plan.
- 3.2 A road widening dedication of 5.49 m (18 ft.) is required for Marlborough Avenue, and a road widening dedication of 3.66 m (12 ft.) is required for Newton Street, as well as a 3m x 3m (10 ft. x 10 ft.) corner truncation.

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3.3 Following the required road dedications, the area of the rezoned lot will be approximately 1470 m² (15,830 sq. ft.). This is less than the 1670 m² (17,976.32 sq. ft.) minimum lot size required for construction of a three-storey building under RM3 zoning regulations. The two-storey height limitation, together with the applicable RM3 front yard, side yard and usable open space regulations, would effectively limit the actual achievable Floor Area Ratio on the site below the 1.1 maximum theoretically permitted under RM3 zoning with full underground parking. The applicant has, however, been informed that the Planning & Building Inspection Department would support rezoning of the site to Comprehensive Development District (based on RM3 guidelines) in order to permit development of a three-storey building and full achievement of a maximum 1.1 Floor Area Ratio within the applicable RM3 building setbacks. The applicant has nevertheless chosen to pursue rezoning to RM3 Multiple Family Residential District rather than CD (based on RM3).

3.4 The Director Engineering will be requested to prepare an estimate for all services necessary to serve the site, which will include construction of the abutting portions of Newton Street and Marlborough Avenue to full municipal standard.

3.5 Existing overhead wiring abutting the site on Newton Street should be relocated underground by the applicant if possible.

3.6 The Neighbourhood Parkland Acquisition Charge applicable to the proposed development is currently \$1397.00 per unit.

4.0 RECOMMENDATION:

4.1 THAT a rezoning bylaw be prepared and advanced to First Reading on 1987 May 25 and to a Public Hearing on 1987 June 16 at 7:30 p.m. and that the following be established as prerequisites to the rezoning:

- a) The submission of a suitable plan of development.
- b) The deposit of sufficient monies 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 Municipal 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 six months of the rezoning being effected but not prior to Third Reading of the bylaw. In the event that existing improvements on the site are vacant and considered to be a hazard to life or property, the Fire Prevention Office may issue an order to demolish such improvements and remove the resultant debris prior to Third Reading.
- e) The granting of any necessary easements.
- f) The dedication of the necessary rights-of-way for Newton Street and Marlborough Avenue widening.

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- g) All applicable condominium guidelines as adopted by Council shall be adhered to by the applicant.
- h) The deposit of the applicable per unit Neighbourhood Park-land Acquisition Charge.
- i) The undergrounding of existing overhead wiring abutting the site.

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Attachments

R.2.# 43/87.

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ALEXANDER, HOLBURN, BEAUDIN & LANG
BARRISTERS AND SOLICITORS

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TERRY C. VOS
GREGORY J. NASH
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IAIN T. BENSON
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WILLIAM M. HOLBURN
MICHAEL P. RAGONA
JOHN G. SANDERSON
DAVID A. GODDERHAM
ROBERT G. PAYNE
MICHAEL V. ROCHE
ORLA M. COUSINEAU
MICHAEL G. ARMSTRONG
SARA P. NEELY
BRUNO DE VITA
ROSS SHAMENSKI
MARIA A. MDRELLATO
RALPH G. HILDEBRAND

ERNEST A. ALEXANDER, O.C. (1983)
GLENN R. WHITELAW
WILLIAM T. LANE
THOMAS A. ROPER
MICHAEL C. SCHOLZ
ROGER M. BOURBONNAIS
JOHN J. MCINTYRE
WILLIAM P. WOK
EMILY M. BURNE
R. DAVID HILL
JUDI P. BECKER
CALVIN K. CHUNG
MICHEL GASSON

April 24, 1987

The Corporation of the District of Burnaby
4949 Canada Way
Burnaby, B.C.
V5G 1M2

Dear Sirs:

Re: 5055 and 5065 Irving Street
Re-zoning Application - R5 to RM3

LETTER OF INTENT

This letter of intent is submitted in support of the request of Frank Cielanga and Anthony Hartner, the owners of the consolidated lot known as Parcel "A", District Lot 32, Group 1, New Westminster District, Plan 74046, which is more commonly known as 5055 and 5065 Irving Street, Burnaby, B.C.

Present Zoning: R5
Proposed Zoning: RM3
Intention:

The owners anticipate that the lot which is 1855.34m² in area will be used for the site of a 3-storey apartment building. The existing old structures (houses and garages) will be demolished.

Supporting Information:

- a) The lot is located within an enclave which the Metrotown Development Guidelines indicate ought "to continue to develop as a RM-3, 3-storey apartment area." The proposed zoning is thus consistent with the principles outlined in the development concepts of the Metrotown guidelines.
- b) The location is highly suitable for RM-3 zoning, being just off the Kingway transportation corridor, about 6 blocks from the Royal Oak ALRT station.

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ALEXANDER, HOLBURN, BEAUDIN & LANG


The Corporation of the District of Burnaby
Letter of Intent
April 23, 1987

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- c) The site is within a convenient distance of both Bonsor and Central Parks and is close to the wide variety of shopping opportunities in Metrotown.
- d) Lots at 5055, 5086, 5095, 5126, 5135 and 5136 Newton Street, each of which is either on the same block or just across the street from the subject property, are, we believe already zoned RM-3. The applicants' proposal is thus completely compatible with the actual land use in the neighbourhood.
- e) A location map showing the site of the lot is attached.

Respectfully submitted,

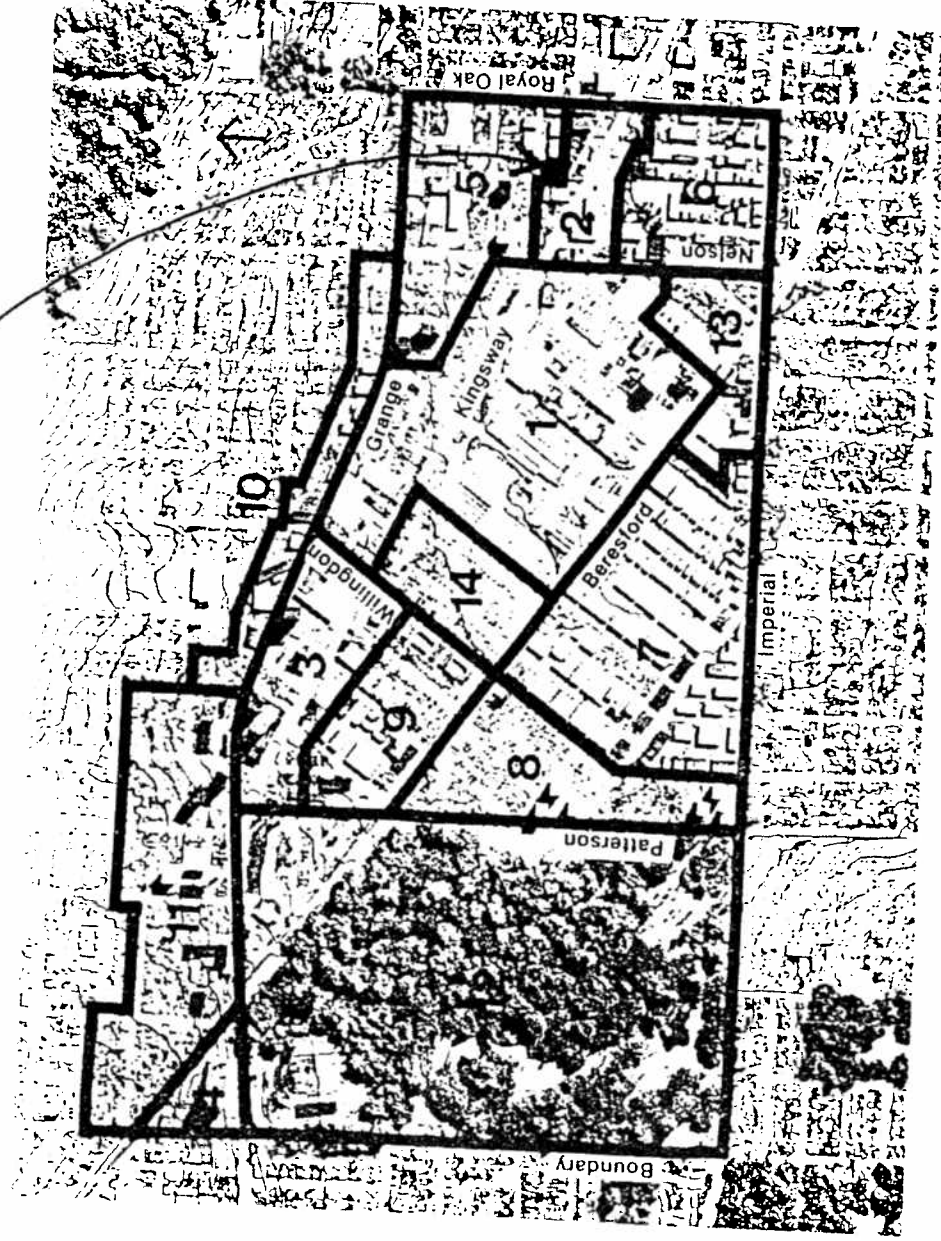

Frank Cielanga Applicant


Anthony Hartner Applicant

AKK

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SUBJECT SITE



Metrotown Sub-areas	Core
1	Secondary Mixed-Use
2	Secondary Mixed-Use
3	Secondary Mixed-Use
4	B.C. Telephone Office Development
5	Residential/School Site
6	Residential
7	Residential
8	Residential
9	Residential
10	Residential
11	Residential
12	Residential/Mixed-Use
13	Central Park
14	Bonsor Park/School Site
	Public Assembly and Development

RZ# 43/87

SKETCH 2
 1987 MAY

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