
TO: CITY MANAGER 2008 April 16

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #05-48
Mixed-Use High-rise Residential and Commercial Development
Metrotown Development Plan Sub-Area 1**

ADDRESS: 4509/19/39 Kingsway, 5956/68 Willingdon Avenue and 5955/67 Pioneer Avenue
(See attached Sketches #1 and #2)

LEGAL: See Schedule A

FROM: C3 General Commercial district, C4 Service Commercial District and R5 Residential District and P8 Parking District

TO: Amended CD Comprehensive Development District (based on C3 General Commercial District, RM5 Multiple Family Residential District and Metrotown Development Plan as guidelines and in accordance with the development plan entitled "Kingsway & Willingdon Avenue Mixed Use Development" prepared by Chris Dikeakos Architects Inc.).

APPLICANT: Bosa Properties Inc.
1800 – 4555 Kingsway
Burnaby, BC V5H 4T8
(Attention: Hermann Nuessler)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2008 May 27.

RECOMMENDATIONS:

1. **THAT** the introduction of a Highway Closure Bylaw be authorized according to the terms outlined in Section 3.10 of this report, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw.
2. **THAT** the sale be approved in principle of City-owned property for inclusion within the subject development site accordance with the terms outlined in Section 3.10 of this report, and subject to the applicant pursuing the rezoning proposal to completion.

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3. **THAT** the Metrotown Development Plan be adjusted to reflect the proposed C3 General Commercial District and the RM5 District designation for the subject site, to take effect upon the subject rezoning bylaw being granted Second Reading.
4. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2008 May 05, and to a Public Hearing on 2008 May 27 at 7:30 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 prior to Final Adoption of the Bylaw, but not prior to Third Reading of the Bylaw. Demolition of any improvements will be permitted after Second Reading of the Rezoning Bylaw has been granted, provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse and vandalism.
 - e) The consolidation of the net project site into one legal parcel.
 - f) The dedication of any rights-of-way deemed requisite.
 - g) The undergrounding of existing overhead wiring abutting the site.
 - h) The granting of any necessary statutory rights-of-way, easements and/or covenants including, but not limited to, those identified in Section 3.4 of this report.

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- i) The provision of a public pedestrian walkway statutory right-of-way from Kingsway to Hazel Street, within the closed portion of Pioneer Avenue, and the construction of a concrete walk and lighting to the approval of the Director Engineering.
- j) Compliance with the guidelines for underground parking for visitors.
- k) Compliance with the Council-adopted sound criteria.
- l) The provision of two covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space and a commitment to implement recycling provisions.
- m) The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, and the granting of a Section 219 covenant and deposit of sufficient monies to guarantee its provision and continuing operation.
- n) The submission of a Site Profile and resolution of any arising requirements.
- o) The pursuance of green building practices for the proposed development (LEED Silver rating for the commercial component and Built-Green Gold rating for the residential component) in accordance with Section 3.11 of this report.
- p) The determination of an agreement with the Strata Corporation of 4505 Hazel Street regarding the protection and/or replacement of identified trees proximate to the property line on 4505 Hazel Street.
- q) The utilization of an amenity density bonus through the provision of a 6,106 sq.ft. non-profit office space on the third floor, to be transferred to City ownership with the creation of an airspace parcel and protected by a Section 219 Covenant in accordance with Section 3.2 of this report.
- r) The design and provision of units adaptable to persons with disabilities (the provision of special hardware and cabinet work being subject to the sale/lease of the unit to a disabled person) with allocated disabled parking spaces protected by Section 219 Covenant.
- s) Completion of the Highway Closure Bylaw
- t) Completion of the sale of City property.

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- u) The provision of facilities for cyclists including provision of resident bike lockers, commercial bike racks, visitor bike racks and commercial end of trip facilities in accordance with Sections 4.5 and 4.7 of this report.
- v) The deposit of the applicable Parkland Acquisition Charge.
- w) The deposit of the applicable GVS & DD Sewerage Charge.
- x) The deposit of the applicable School Site Acquisition Charge.
- y) The deposit of the applicable Metrotown Public Open Space Charge.
- z) The deposit of the applicable Metrotown Grade-separated Pedestrian Linkage Over Kingsway Charge.
- aa) The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to 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.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the development of a mixed-use office and apartment tower over a 2-storey retail podium.

2.0 BACKGROUND

- 2.1 Council, on 2008 March 03, received the report of the Planning & Building Department concerning the rezoning of the subject site and authorized the Department to work with the new applicant, Bosa Properties Inc., towards the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date.
- 2.2 The subject site is located within the Council adopted Metrotown Development Plan area, on the northeast corner of Kingsway and Willingdon Avenue. The subject site is comprised of seven properties including 4509/19/39 Kingsway, 5956/68 Willingdon

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Avenue and 5955/67 Pioneer Avenue and the Pioneer Avenue and internal lane rights-of-way. The subject site currently consists of a demolished and remediated gas station site, a number of commercial buildings, a single-family dwelling and three lots currently used for surface parking. The existing buildings are boarded and in vacant condition.

2.3 It should be noted that, as indicated in the initial rezoning report for the subject properties adopted in 2005 September 19, the former applicant, Sunrise Development Inc. requested an amendment to the Metrotown Development Plan to permit the development of the subject site utilizing CD Comprehensive Development District zoning (based on the C3 General Commercial District and the RM5 Multiple Family District as guidelines). At that time Council adopted in principle the amendment to the Metrotown Development Plan for the subject site to take effect at such time the rezoning receives Second Reading of the subject rezoning bylaw. As noted in the Council adopted report dated 2008 March 03, the new applicant, Bosa Properties Inc., also wishes to pursue a development in line with the proposed amended C3 General Commercial District and the RM5 Multiple Family District guidelines.

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

3.0 GENERAL COMMENTS

3.1 The development proposal is for a 2-storey retail podium along the Kingsway and Willingdon Avenue frontages, 1-level of non-profit commercial office space and residential amenity space on the third floor with a 9-storey commercial office component and a 22 storey (162 residential) unit high-rise component with full underground parking. The applicant has proposed to provide 50 additional parking spaces within the office component of the underground parking for use by the adjacent office building at 4555 Kingsway. A pedestrian access easement in favour of 4555 Kingsway to the underground parking is also proposed. The development proposes an overall height of 34 storeys with extensive green decks with trees on the building. Vehicular access is separated, with commercial vehicle access via Willingdon Avenue and residential access via the Hazel Street cul-de-sac. The development utilizes the maximum density of under the RM5 District guidelines of 2.2 F.A.R with full underground parking, and the available amenity density bonus provision of 0.4 F.A.R. to achieve a maximum permitted residential density of 2.6 F.A.R. The development has chosen to pursue 2.68 FAR of commercial floor area for a combined commercial office and retail floor area of 183,364 sq.ft. excluding non-profit community office space and residential amenity space. The proposed development on this key intersection within the Metrotown Town Centre is being proposed as a signature building with integrated green building practices including pursuing Leadership in Energy and Environmental Design (LEED) Silver for the commercial component and a Built-Green Gold rating for the residential component.

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The applicant will be required to pursue a Comprehensive Sign Plan for the development. Any potential sky signs will require a further rezoning application.

3.2 The requested amenity density bonus of 0.4 F.A.R. provides for an additional 28,172 sq.ft. of floor area (subject to confirmation by site survey) with an estimated value provided by the Legal Department of \$2,000,155.20 based on \$71 per sq.ft. buildable. On 2008 April 07 Council adopted the recommendation of the Community Development Committee, that Council approve a non-profit office space as the community benefit to be achieved through the development. The applicant has agreed to provide to the City approximately 6,106 sq.ft. of non-profit office space on the third floor of the office component as an air space parcel and 13 allocated parking spaces within the underground parking. The non-profit office space will be turn-key ready for occupancy with the exception of office furniture and equipment. The non-profit office space will have its own HVAC system and other services and access to private washrooms. The applicant is required to grant any required easements and/or statutory rights-of-way to provide access from the air space parcel to the ground floor commercial lobby and to the 13 allocated underground parking spaces. The provision of non-profit office space within the Metrotown Town Centre and specifically on this prime corner is an asset to the City and to non-profit office users as it is within the core commercial office component of the plan, has access to a broad range of community services and amenities and is within 500m of the Metrotown SkyTrain station and bus loop.

3.3 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site. The servicing requirements will include, but not necessarily be limited to:

- The widening of Kingsway abutting the subject site for the construction of a right turn lane and provision of separated sidewalks with stamped concrete boulevards, street trees in grates, street lighting and pedestrian lighting across the development frontage. The applicant will undertake the final design and provide funds of the future construction of a new treed median preceding the left turn lane on Kingsway. The applicant will upgrade and relocate the traffic signals and trolley line poles as required.
- The widening of Willingdon Avenue abutting the site for the construction of a third lane abutting the development site and for the provision of separated sidewalks with stamped concrete boulevards, street trees in grates, street lighting and pedestrian lighting across the development frontage.
- Pioneer Avenue will be closed and consolidated with the development site. The construction of a minimum 2.0m concrete walkway within a special paving design including pedestrian lighting street trees in grates, planters, benches and public art will be required to link Kingsway and Hazel Street.
- Hazel Street cul-de-sac is to be upgraded to its final standard.

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Required road dedications are 3.72m (12.2 ft.) widening on the Kingsway frontage, 5.79m (19.0 ft.) widening on the Willingdon Avenue frontage, and a 11m² dedication for the completion of the Hazel Avenue cul-de-sac.

3.4 Any necessary easements, 219 Covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:

- Covenant restricting enclosure of balconies
- Covenant to guarantee the provision and continuing operation of stormwater management facilities.
- Covenant for the provision, retention and maintenance of Public Art at the Kingsway and Willingdon corner and within the Pioneer Avenue pedestrian walkway.
- Covenant to indicating that project driveway access will not be restricted by gates
- Covenant to ensure the continued maintenance by the commercial component of the landscaped roof decks above the commercial podium, and landscaped street frontages and public pedestrian walkway.
- Covenant for future air space parcels covering both the commercial and residential components to ensure 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.
- Covenant for the provision of 3 car co-op spaces at grade for the location of car co-op cars only.
- Covenant for cycling end-of-trip facilities and bike storage for office/retail employees.
- Covenant ensuring that exhaust fans, venting systems or other mechanical equipment are provided only on approved roof deck areas with sound attenuation.
- Covenant ensuring the provision of 8 handicap accessible parking stalls in the resident parking area for the sole use of the 8 accessible units and that these stalls, as well as any other handicap accessible parking provided in the residential component of the underground parking, be held in common property to be administered by the Strata Corporation.
- An 8.0m (26.25 ft.) statutory right-of-way for pedestrian purposes on the closed portion of Pioneer Avenue.
- A pedestrian access easement over the subject site in favor of 4555 Kingsway to permit pedestrian access to and from the commercial parking area.
- Provision of any statutory rights-of-way and/or access easements for pedestrian purposes, access to parking areas, servicing and circulation.
- Other legal provisions and documentation as required.

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- 3.5 The applicant has elected to provide 8 adaptable units (5% of unit total) and has provided 8 handicap parking stalls within the underground parking structure. Handicapped parking stalls will be protected by Section 219 Covenant as common property to be administered by the Strata Corporation.
- 3.6 In light of the proximity to Kingsway, a noise study is required to ensure compliance with the Council-adopted sound criteria.
- 3.7 Two car wash stalls and an appropriately screened garbage handling and recycling holding area will be provided on site.
- 3.8 The developer is responsible for the undergrounding of the overhead wiring within the subject site and abutting the site along the east side of Willingdon Avenue.
- 3.9 Development Cost Charges:
 - a) Parkland Acquisition Charge of \$3.55 per sq.ft. of residential gross floor area
 - b) School Site Acquisition Charge of \$600.00 per unit
 - c) GVS&DD Sewerage Charge of \$590.00 per apartment unit and \$0.443 per sq.ft. of commercial floor area.
 - d) Metrotown Grade-Separated Pedestrian Linkage charge of \$0.306 per sq.ft. of commercial floor area.
 - e) Metrotown Public Open Space charge of \$0.50 per sq.ft. of commercial floor area.
- 3.10 The consolidation of the proposed development site includes the closure of two internal lanes and the Pioneer Avenue road right-of-way between Kingsway and Hazel Street which measures approximately 1,349m² (14,521 sq.ft.) which will be achieved through a Highway Closure Bylaw (see attached Sketch #1). The developer will receive credit for the necessary road widening dedications required from the site which measures approximately 637m² (6,857 sq.ft.). The net road right-of-way area to be purchased by the applicant is approximately 712 m² (7,664 sq.ft.). The Legal Department has established a value of \$203.94 sq.ft. for the City land for a total value of approximately \$1,562,996.10. The value is subject to review by the Legal Department nine months from the date of Second Reading. The internal laneways will be incorporated within the development area, however, an 8.0m portion of the Pioneer Avenue right-of-way will remain open as a landscaped public pedestrian walkway connecting Kingsway to Hazel Street to be maintained by the owner of the commercial component.
- 3.11 The developer has voluntarily elected to pursue green building practices for the proposed development insofar that they will be pursuing Leadership in Energy and Environmental Design (LEED) Silver for the commercial component of the building and Built Green Gold standards for the residential component.

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- 3.12 As an additional component of the green building sustainability approach and location of this development within Metrotown and proximity to public transit, the applicant is proposing a Transportation Demand Management (TDM) initiative involving the development's active participation and support for car-sharing in the neighbourhood. The Co-operative Auto Network (CAN) is a not-for-profit co-operative incorporated to foster car sharing as an environmentally responsible transportation option resulting in fewer cars in the community. The developer has proposed to provide funding for the one time registration/lifetime membership fee with CAN for the 162 residential units, donate 3 cars (including 1 hybrid) to CAN and allocate three surface parking spaces for their dedicated parking. Members pay a small monthly administration fee to cover some of the fixed costs to the car, and when they use a car, they pay low fees for use by the hour or by kilometer. The cars will be located within the residential entry turn-a-round and available for the all residential owners/tenants, and by all CAN members, thus facilitating sustainable transportation for residents of the surrounding neighbourhood. In line with the pilot project initiated as part of Rezoning Reference #07-06, staff is supportive of a maximum residential parking reduction of 0.1 spaces (from 1.6 spaces/unit to 1.5 spaces/unit) for the development resulting in a reduction of 17 residential tenant spaces in exchange for the provision and continued operation of car co-op spaces. The reduction of parking will be within the residential underground component and will not affect the 0.25 spaces / unit allocated for visitors. The provision and retention of car co-op spaces and vehicles on the site will be secured in perpetuity by way of 219 Covenant, right-of-way and/or easement agreements which would allow the City to assign the use of the car co-op spaces in whole or in part to an alternate co-op should CAN cease to operate or choose to use fewer than the three spaces for its car co-op program.
- 3.13 An on-site sediment control system is a requirement of Preliminary Plan Approval and must be approved by the Environmental Services Division - Engineering Department.
- 3.14 A suitable on-site stormwater management system is required to the approval of the Director Engineering. A Section 219 Covenant will be required to guarantee its provision and continuing operation will also be required.
- 3.15 There are no existing trees on site suitable for retention. There are a number of significant trees along the south property line of 4505 Hazel Street adjacent to the development site, two of which may be affected by the subject site's excavation. The applicant has had discussions with the Strata Corporation of 4505 Hazel Street and has proposed to replace two affected trees with two large specimen trees elsewhere on the site. The replacement proposal will be forwarded to the next available Strata Council meeting for consideration.
- 3.16 Due to the previous commercial use of the site, a site profile and resolution of any resultant conditions is required.

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3.17 Bicycle storage space and surface parking racks are to be provided for the residential and commercial tenants and visitors and customers. End-of-trip facilities for the commercial office and retail uses are to be provided.

4.0 DEVELOPMENT PROPOSAL

4.1 Site Area

Gross Site:	-	7,180.0 m ² (77,287 [±] sq.ft.)
Dedications:	-	637.0 m ² (6,857 sq.ft.)
Net Site	-	6,543.0 m ² (70,431 sq.ft.)
		(Subject to detailed survey)

4.2 Density

Residential

RM5 Maximum @ 2.2 F.A.R.	-	14,394.6 m ² (154,947 sq.ft.)
<u>Density Bonus @ 0.4 F.A.R.</u>	-	<u>2,617.2 m² (28,172 sq.ft.)</u>
Proposed G.F.A. @ 2.6 F.A.R.	-	17,011.8 m ² (183,119 sq.ft.)
		(Subject to detailed survey)
		(3,000 sq.ft. of residential amenity area excluded from F.A.R.)

Commercial

Proposed Retail	-	5,645.4 m ² (60,769 sq.ft.)
<u>Proposed Office</u>	-	<u>11,389.1 m² (122,595 sq.ft.)</u>
Proposed GFA @ 2.6 F.A.R.	-	17,034.5 m ² (183,364 sq.ft.)

Provided Total Floor Area of Overall Site - 34,046.3 m² (366,483 sq.ft.)

Floor Area Ratio of Overall Site - 5.2 F.A.R.
 (Excluding 3,000 sq.ft. of residential amenity area and 6,106 sq.ft. non-profit office area)

Site Coverage - 44.3%

4.3 Height

- 2 storey commercial retail podium
- 1 storey residential amenity and non-profit office
- 9 storey commercial office
- 22 storey residential

Total 34 storeys

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4.4 Residential Unit Mix
Apartments

16 studio units :	-	43.1 m ²	(464 sq.ft.)
36 one bedroom units :	-	59.2 – 61.4 m ²	(637 – 661 sq.ft.)
58 two-bedroom units :	-	87.1 – 95.7 m ²	(938 – 1030 sq.ft.)
8 two-bedroom + den units :	-	136.0 m ²	(1,464 sq.ft.)
<u>44 three-bedroom units :</u>	-	109.6 – 132.2 m ²	(1,180 – 1423 sq.ft.)
162 units			


4.5 Parking:

Vehicle Parking		Required	Provided
Residential			
162 apartment units @ 1.5 spaces/unit	-	243	244
		(including 41 visitor spaces)	
Car Wash Stalls	-	2	2
Co-op Car Spaces	-	3	3
Commercial Retail			
60,769 sq.ft. @ 1/495.16 sq.ft	-	122	123
Commercial Office			
6,106 sq.ft. non-profit @ 1/495.16 sq.ft	-	13	13
122,595 sq.ft. market @ 1/495.16 sq.ft	-	248	310
Commercial Sub Total	-	383	446
		(50 office stalls to be provided for use by 4555 Kingsway)	
Parking Spaces Total	-	628	693
Car Wash Stalls @ 1/100 units	-	2	2
Bicycle Parking		Required	Provided
Secure Residential @ 1 locker/unit	-	162	162
Residential Visitors racks @ 0.2 spaces/unit	-	33	33
Commercial @ 10% of off-street parking	-	38	38
4.6 Commercial Loading Provided	-	3	3

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4.7 Communal Facilities:
(Excluded from F.A.R. Calculations)

Communal facilities are located on the third floor of the building. Facilities include a residential lounge, spa, and gym exclusively available to the residents. The amenity area amounts to 328.4 m² (3,535 sq.ft). The maximum allowable exemption of residential amenity space from Gross floor Area (G.F.A.) is 3,000. Therefore, 535 sq.ft. will be included in residential G.F.A. calculations. The applicant has also provided end of trip facilities within the underground parking for commercial tenants including change rooms and lockers and bicycle storage. The applicant has also requested to participate in a car-coop program for the development, in that three car co-op spaces and three car co-op cars will be provided at grade for use by the residential tenants of the development and other co-op car users.


B. Luksun
Director Planning and Building

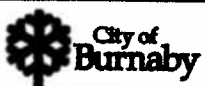
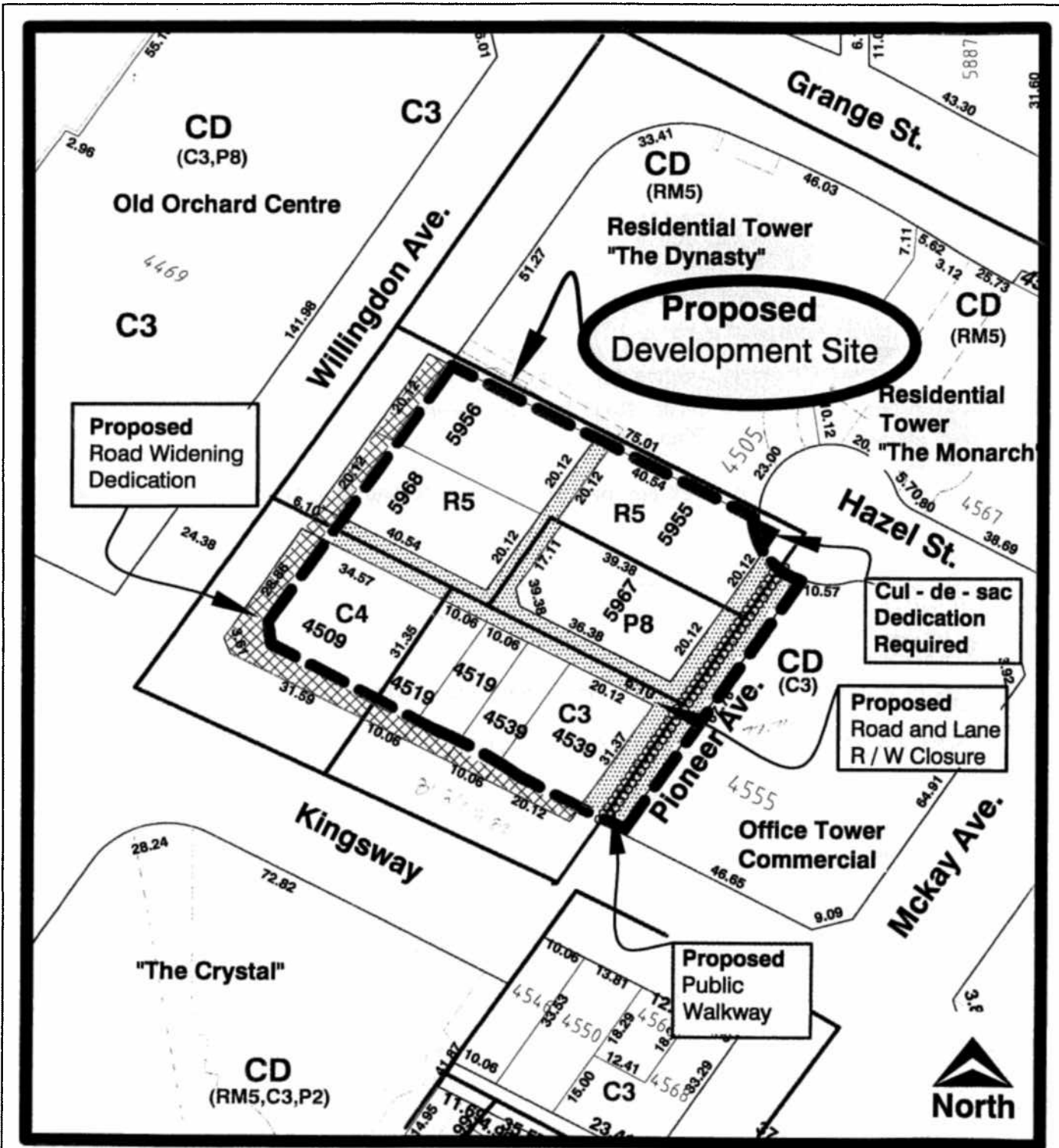
JBS/gk
Attachments

cc: Director Engineering
City Clerk
City Solicitor
Director of Parks, Recreation and Cultural Facilities

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Rezoning Reference #05-48
Schedule "A"

4509 Kingsway	Parcel A (Reference Plan 17013) of Lot 11 and 12 except: part dedicated road on Plan 76857, DL 153, Group 1, NWD Plan 1316
4519 Kingsway	Westerly half Lot 13 except: part shown on plan with Expropriation Bylaw 30078; Blk 4, DL 153, Grp 1, having a frontage of 33 feet on Westminster Road by full depth as said lot and adjoining Lot 12, NWD Plan 1316
4519 Kingsway	Easterly half Lot 12 except: part shown on plan with Expropriation Bylaw 30078, Blk 4, DL 153, Grp 1, having a frontage of 33 feet on Westminster Road by a full depth of said lot and adjoining Lot 13, NWD Plan 1316
4539 Kingsway	Lot 14 except: part on plan with Bylaw filed 30078, DL 153, Grp 1, NWD Plan 1316
4539 Kingsway	Parcel 'A' (J56134E), Lot 13, DL 153, Grp 1, NWD Plan 1316
5956 Willingdon Ave	Lot 9, DL 153, Grp 1, NWD Plan 1316
5968 Willingdon Ave	Lot 10, DL 153, Grp 1, NWD Plan 1316
5955 Pioneer Ave	Lot 16, DL 153, Grp 1, NWD Plan 1316
5967 Pioneer Ave	Lot A, DL 153, Grp 1, NWD Plan LMP22502

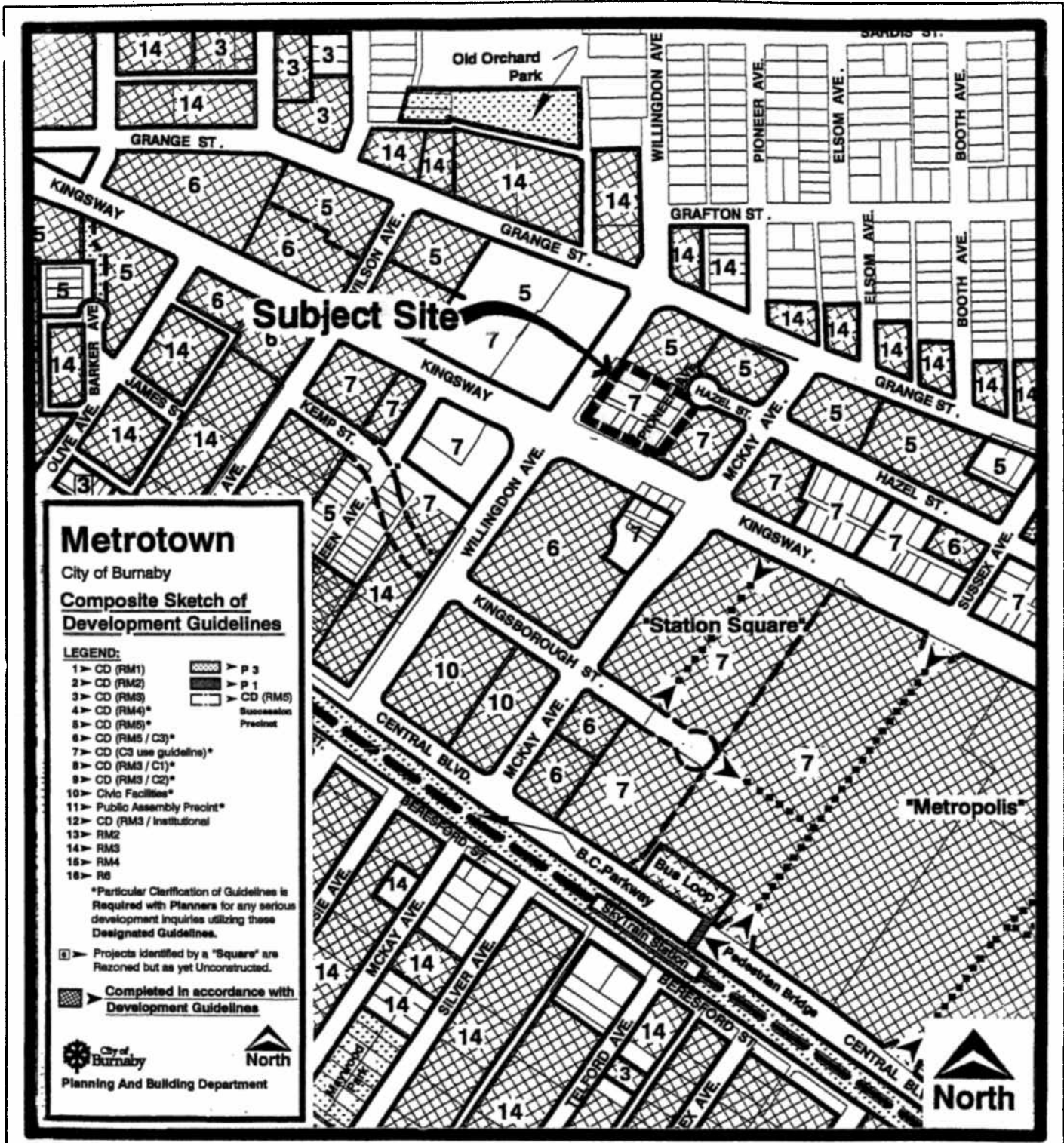



Planning and Building Department

Scale: 1 = 2500
 Drawn By: J.P.C.
 Date: September 2005

REZONING REFERENCE # 05 -- 48
 Kingsway ,Willingdon,Pioneer

Sketch # 1



 City of Burnaby Planning and Building Department		Planning and Building Department	
Scale: N.T.S.		REZONING REFERENCE # 05 -- 48 Kingsway, Willingdon, Pioneer	
Drawn By: J.P.C.			
Date: September 2005			
		Sketch #2	