
TO: CITY MANAGER **DATE:** 2008 June 04

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 49500 20
Reference: REZ#05-48

SUBJECT: REZONING REFERENCE #05-48
4509/19/29 KINGSWAY, 5956/68 WILLINGDON AND 5595/67 PIONEER
AVENUE
RESPONSE TO PUBLIC HEARING ISSUES

PURPOSE: To respond to issues raised at the Public Hearing for Rezoning Reference #05-48

RECOMMENDATION:

1. **THAT** a copy of this report be sent to the applicant and those who spoke at, or submitted correspondence to the Public Hearing for Rezoning Reference #05-48.

REPORT**1.0 BACKGROUND**

On 2008 May 27, a Public Hearing was held for Rezoning Reference #05-48. The subject rezoning application proposes a 2-storey retail podium along the Kingsway and Willingdon Avenue frontages, a 1-level of non-profit commercial office space and residential amenity space on the third floor, a 9-storey commercial office component and a 22 storey (162 residential) unit high-rise component with full underground parking within the Metrotown Development Plan area (see **attached** location sketch).

At the Public Hearing, verbal and written submissions were received from residents of the "Dynasty" at 4505 Hazel Street, including one representing a petition of 27 residents, submissions from residents of the "Monarch" at 4567 Hazel Street and a submission from the strata council president representing the strata owners of the Crystal commercial office building at 4538 Kingsway. The project architect from Chris Dikeakos Architects was available to provide project context and to address specific questions. Two verbal submissions in general support of the project came from the Strata Council Chairman of 4505 Hazel Street and a resident of 4957 Newton Street. The primary issues raised by these residents and business owners were outlined in five written submissions and included issues regarding density, height of the proposed structure and the loss of views, tree retention on neighbouring developments,

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vehicle traffic and access on Hazel Street, the closure of Pioneer Avenue, availability of necessary utilities and services and potential effects of the subject development on neighbouring properties. At the Public Hearing, Council requested that a staff report be submitted on the issues raised.

2.0 ISSUES RAISED

Issue #1 – Proposed Density and Building Height

Density -- Concerns were raised regarding the proposed density to be permitted on the subject site as it relates to the requested Amenity Density Bonus.

The applicant has requested a rezoning to the CD Comprehensive Development District (utilizing the RM5 Multiple-Family Residential District and the C3 General Commercial District as guidelines) to a proposed density of 2.2 FAR for the residential component and a density of 2.6 FAR for the commercial component. The adopted Metrotown Development Plan identifies the proposed development site for CD Comprehensive Development District (utilizing the C3 General Commercial District as guidelines) to a maximum density with full underground parking of 6.0 F.A.R. In considering reports in 2005 and 2008, Council supported, in principle, an amendment to the Metrotown Development Plan for mixed-use development of the subject site, to include the RM5 District in addition to the C3 District as guidelines. As part of the subject rezoning application, the applicant has requested the use of an amenity density bonus of 0.4 F.A.R. permitted by the regulations of the RM5 District in Town Centre areas as outlined in the Burnaby Zoning Bylaw. The request of an amenity density bonus for multiple-family residential projects is an option available to all applicants proposing multiple-family residential projects (RM1-RM5) within Burnaby's Town Centres of Metrotown, Brentwood, Edmonds and Lougheed. The pursuance of amenity density bonus proposals are advanced for approval through the Community Development Committee and Council. In this regard, the Community Development Committee on 2008 March 14 adopted the recommendation that Council approve non-profit office space as the community benefit to be achieved through a proposed density bonus of 0.4 F.A.R. to RZ#-5-48. The estimated value of the amenity density bonus is \$2,000,155.20, which would be provided as a 6,106 sq.ft. non-for-profit office space for non-profit community groups operating within Burnaby. As noted above, the applicant could pursue a purely commercial development to a maximum density of 6.0 F.A.R. which would exceed the proposed density of 5.2 F.A.R., inclusive of the bonused density of 0.4 FAR. As such, while the proposed development is significant, the proposed development density is consistent with permitted development densities of the Zoning Bylaw and the objectives of the Council adopted Metrotown Development Plan.

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Height -- Concerns were raised regarding the height of the proposed buildings on the subject site and the loss of potential views to the north.

Specifically, concerns were raised from the Crystal Office building at 4538 Kingsway which is six storeys in height. Views to the north from the office building at 4538 Kingsway are currently already affected by the 21 Storey Dynasty building at 4505 Hazel Street, the 17 Storey Monarch building at 4567 Hazel Street and the 18 storey Central Park Place at 4555 Kingsway. In addition, any future development over 6 storeys on the subject development site would have further affects on the north facing views from the Crystal office building. The adopted Metrotown Development Plan designated the subject site for future high-density development prior to the rezoning of the Crystal development to allow for is current office, retail and residential uses. As such, the Crystal development rezoning proceeded after the adoption of the Metrotown Plan and the intended densities for the subject site were public knowledge prior to construction of the Crystal.

In an effort to protect view corridors through the development site, the proposed development has pursued the smallest footprint possible by stacking the commercial and residential uses one above the other and siting the proposed tower as close to the Kingsway and Willingdon Avenue intersection as possible, thus allowing for sightlines through the development site both to the north and to the south. A lower tower would not necessarily improve sightlines and view corridors and, if a larger building footprint were pursued, could result in reduced view corridors. The scale of the proposed building is considered appropriate, especially within the regionally designated Town Centre of Metrotown, where higher-density developments are intended to be accommodated to take advantage of the many area amenities, including improved public transit.

Issue #2 – Physical Affects of the Proposed Development on Neighbouring Development Sites.

Tree Retention -- Concerns were raised regarding the retention of existing trees on 4505 Hazel Street.

A tree survey was undertaken by the applicant that indicated that the excavation of the development site would have an impact on the root zones of off-site trees on 4505 Hazel Street. The arbourist's report noted that even with special care for retaining these trees, there would remain a high likelihood that two of these trees would be adversely affected during excavation and construction. Therefore, it has been recommended that the two trees that would be most affected be removed and replaced with specimen trees on 4505 Hazel Street. At a meeting between Bosa Properties Inc. and strata owners of 4505 Hazel Street on 2008 May 20, it was generally agreed between the two parties that Bosa Properties Inc. would replace the affected trees with new specimens, repair any arising damage to the existing landscaping, and provide extensive new screening landscaping to buffer the proposed development from 4505 Hazel

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Street. An agreement between the strata of 4505 Hazel Street and Bosa Properties Inc. regarding replacement landscaping is a prerequisite to the completion of the rezoning.

Structural Stability -- Concerns were raised regarding the potential affects on the structural stability of the neighbouring development sites due to the extent of excavation for underground parking.

The proposed development includes four and a half levels of underground parking which will be approximately 15.24 m (50ft.) below grade level. The excavation of underground parking structures neighbouring existing underground parking structures is common in high density urban areas such as Metrotown. The project structural and geotechnical engineers will certify as part of the Building Permit that the proposed structure and bearing soil can withstand the intended load of the building and vehicle traffic, in addition to ensuring that the proposed building will not have any adverse affects on the structure of neighbouring sites, prior to issuance of an Excavation or Building Permit for the development site.

Site Servicing -- Concerns were raised regarding the ability for the proposed development site to obtain the necessary utilities and services necessary to serve the site.

The existing servicing provided to the site will be upgraded to serve the proposed development. The Director of Engineering will be requested to prepare an estimate of all the necessary services to serve the site which may include upgrades to water, storm sewer, sanitary sewer, undergrounding of overhead wiring, road widening and improvements to pedestrian facilities. As a prerequisite of the rezoning, the applicant will be required to deposit 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 necessary services would be provided for prior to issuance of occupancy permits for the proposed development.

Issue #3 – Vehicle Traffic and Access to the Site

Commercial Vehicles on Hazel Street -- Issues were raised regarding existing commercial vehicle traffic on Hazel Street accessing the existing office building at 4555 Kingsway.

The property at 4555 Kingsway is comprised of an 18 storey commercial office building with retail uses on the ground floor. Under Rezoning Reference #00-33 the property was permitted to construct an additional six floors as per the original submitted design permitted under a previous rezoning (Rezoning Reference #99-54). Over the past year, construction vehicles and commercial delivery vehicles have been utilizing McKay Avenue and Hazel Avenue to provide materials to the site for the approved development. Residents indicate that this has caused disruption and inconvenience to the residents of 4505 and 4567 Hazel Street. As a result of the construction and delivery traffic, the primary retail tenant Staples has had limited access to its

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loading dock which also caused further traffic issues on Hazel Street. The subject applicant is also the owner of 4555 Kingsway and they have informed the City that construction and interior finishing has now been completed and vehicle disruptions along Hazel Street should no longer be an issue.

Proposed Vehicle Access to the Subject site on Hazel Street -- Issues were raised regarding the location of the proposed residential driveway on Hazel Street and the staging of garbage and recycling containers within the Hazel Street cul-de-sac.

The proposed development is providing two vehicular access points, with one access from Willingdon Avenue for commercial loading, office parking and retail patrons, and a second from the Hazel Street cul-de-sac for residential owners and visitors. This is the preferred method of vehicular access. Willingdon Avenue will be widened with an additional lane providing access to the site for the more frequent commercially destined vehicles without affecting traffic flow on Willingdon Avenue. Residential access from Hazel Street will be accommodated by dedicating 11m² of site area for the cul-de-sac and closure of the Pioneer Avenue right-of-way, as called for in the Council-adopted Plan. The neighbouring developments will maintain their existing driveways off Hazel Street. In regards to garbage and recycling access, both residential and commercial garbage for the proposed development will be accessed via Willingdon Avenue. As such, there will be no increase in the number of recycling and garbage bins that are currently placed on Hazel Street. It is noted that the primary fire access for both the commercial and residential components as determined with the Fire Department is via the Kingsway and Willingdon Avenue frontages and not via Hazel Street. Overall, the development has limited access to Hazel Street to only serve the residential units of the proposed development.

Closure of Pioneer Avenue -- Issues were raised regarding the closure of Pioneer Avenue as a requirement of the subject application and the affect this would have on vehicular and pedestrian movement.

As a prerequisite of the subject rezoning application, Pioneer Avenue, currently one-way northbound, between Kingsway and Hazel is to be closed to vehicular access. Pioneer Avenue is proposed to be incorporated into the proposed development site. However, an 8.0m (26.25 ft.) statutory right-of-way will be registered in its place to provide public pedestrian access from Kingsway to Hazel Street. The proposed public pedestrian pathway will be constructed with ornamental paving, pedestrian lights, street trees in grates and benches with interesting architectural and landscaping features to engage pedestrians and visitors. The closure of Pioneer Avenue to vehicle traffic has been identified in the Metrotown Development Plan since its inception. The plan of development maintains public pedestrian access, and the submitted traffic study by Ward Consulting Group prepared for the development indicates that vehicle movement including emergency vehicles can be sufficiently accommodated via Kingsway, Willingdon Avenue and to a lesser extent, for the residential component, along Hazel Street.

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Construction Access -- Issues were raised regarding construction vehicle access and contractor parking on Hazel Street.

The indicated construction schedule for the proposed development is approximately two years, during which time construction vehicles will need to access the development site. Prior to commencing construction, a construction access plan must be submitted to the Engineering Department to outline the location of construction access, construction vehicle staging and proposed temporary road closure areas. Currently, Kingsway and Willingdon Avenue are truck routes and are considered the most appropriate locations for construction access and construction vehicle staging. In addition, dedications for road widening are required from both Kingsway and Willingdon Avenue which could be used for construction vehicle access and staging. Notwithstanding, concrete pouring for a portion of the site may be necessary from Hazel Street. If this is required, it must be noted in the construction access plan and signs informing area residents will be installed describing the purpose, the specific dates and the proposed times of the requested construction vehicle access. Contractor vehicle parking will have to be accommodated on-site, off-site within a permitted parking lots or within permitted on-street parking areas. Construction vehicle and contractor parking will not be permitted within no parking areas along Kingsway, Willingdon Avenue or Hazel Street. Construction and vehicle noise originating from the proposed development site will have to abide by the permitted hours of construction and the Burnaby Noise Bylaw. The applicant has informed the City that they will work with consultants and trades towards a traffic demand management plan (TDM) to reduce the number of passenger vehicles destined for the construction site.

Request for 50 Additional Parking Spaces -- Issues were raised about the necessity for 50 additional parking spaces on the subject site to serve the neighbouring office building at 4555 Kingsway

The applicant of the subject property, who is also the owner of the adjacent office building at 4555 Kingsway, has requested to provide 50 additional parking spaces within the commercial component of the proposed underground parking of subject development. The City has been informed that this is at the request of specific tenants within 4555 Kingsway, notwithstanding that parking has been provided for the office building under Rezoning References #99-54 and #00-33 in accordance with the CD Comprehensive Development District zoning for the property. The parking would be accessible via a pedestrian connection between the two underground parking structures and vehicle access for the additional 50 parking spaces would be via Willingdon Avenue.

3.0 CONCLUSION AND RECOMENDATIONS

In conclusion, the proposed mixed use 183,364 sq.ft. commercial retail/office and 162 unit residential development proposed for the subject site is considered supportable given its high-

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quality signature design, its pursuance of Leadership in Energy and Environmental Design (LEED) silver and Built Green™ gold certification and its minimized tower footprint. The proposed mixed-use concept is also in keeping with the objectives of the Metrotown Development Plan, commensurate with a number of mixed-use projects along Kingsway. As part of the development process, the developer will prepare a construction access plan to mitigate traffic concerns, adhere to the Burnaby Noise Bylaw and prepare a traffic demand management (TDM) plan to minimize consultant and trade parking requirements. An agreement regarding replacement landscaping on 4505 Hazel Street will also be required. Further, excavation and structural plans certified by professional structural and geotechnical engineers will be required prior to issuance of a Building or Excavation Permit.

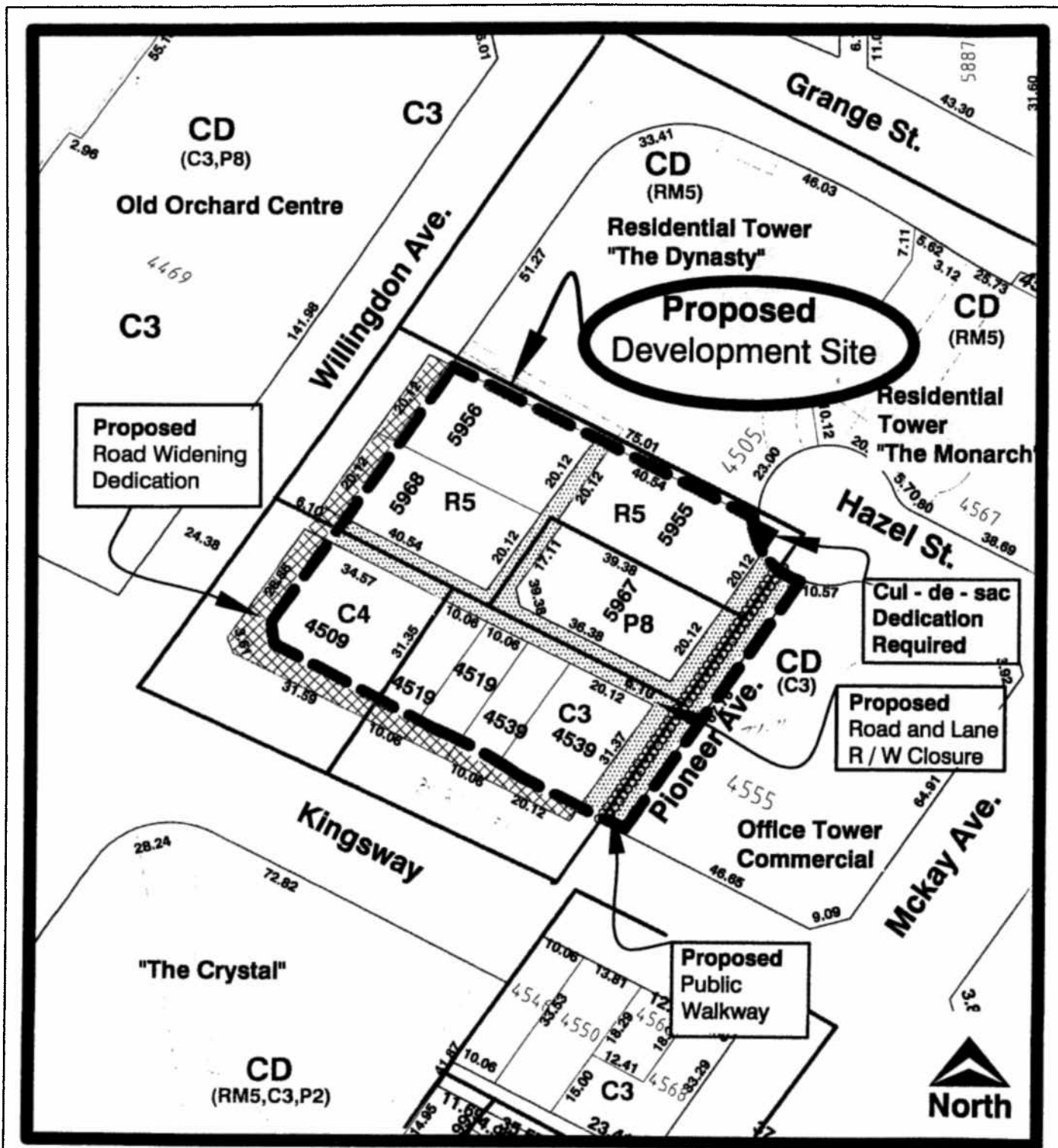
This is for the information of Council.


B. Luksun
Director Planning & Building

JBS:gk
Attach

cc: City Clerk
Director Engineering
Chief Building Inspector

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Planning and Building Department

Scale: 1 = 2500

Drawn By: J.P.C.

Date: September 2005

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

Sketch # 1