



Item.....
Meeting.....2011 July 25

COUNCIL REPORT

TO: CITY MANAGER 2011 July 20

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #10-39**
Mixed Use High-Rise Apartment Tower with Street Fronting Townhouses
Metrotown Development Plan - Sub-Area 7

ADDRESS: 4382/4394 Beresford Street, 6337/6361 Silver Avenue and 6336/6350/6364 McKay Avenue (see attached Sketches #1 & #2)

LEGAL: See Schedule A (attached)

FROM: M4 Special Industrial District and RM3 Multiple Family Residential District

TO: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C2 Community Commercial District and Metrotown Development Plan guidelines and in accordance with the development plan entitled "Silver and MacKay, Burnaby, B.C." prepared by Neale, Staniszki, Doll, Adams Architectures)

APPLICANT: Intracorp Silver Avenue Project Ltd.
900 – 666 Burrard Street
Vancouver, BC V6C 2X8
(Attn: Jake McEwan)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2011 August 30.

RECOMMENDATIONS:

1. **THAT** the sale be approved in principle of City-owned property at 4394 Beresford Street for inclusion within the subject development site in accordance with Section 3.3 of this report, and subject to the applicant pursuing the rezoning proposal to completion.
2. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2011 July 25, and to a Public Hearing on 2011 August 30 at 7:00 p.m.
3. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.

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- 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 utilization of an amenity bonus through the provision of a \$6,218,933 cash in-lieu contribution in accordance with Section 3.4 of this report.
- e) The completion of a Heritage Designation Bylaw and a Heritage Revitalization Agreement to be on title for the relocation, restoration and incorporation of the historic "Mowat Residence" within the development site.
- f) The consolidation of the net project site into one legal parcel.
- g) The granting of any necessary Covenants, including, but not necessarily limited to, Section 219 Covenants restricting the enclosure of balconies, indicating that project surface driveway accesses will not be restricted by gates, guaranteeing provision and maintenance of public art, and providing that all disabled parking to remain as common property.
- h) The granting of any necessary easements and statutory rights-of-way.
- i) The dedication of any rights-of-way deemed requisite.
- j) 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 a Section 219 Covenant.
- k) The provision of covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and a commitment to implement the recycling provisions.
- l) The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.
- m) The deposit of the applicable GVS & DD Sewerage Charge.

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- n) The deposit of the applicable Parkland Acquisition Charge.
- o) The deposit of the applicable School Site Acquisition Charge.
- p) Completion of the sale of City property.
- q) The provision of facilities for cyclists in accordance with this report.
- r) The undergrounding of existing overhead wiring adjacent to the site.
- s) Compliance with the Council-adopted sound criteria.
- t) The review of a detailed Sediment Control System by the Director Engineering.
- u) Compliance with the guidelines for underground parking for visitors.
- v) 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 construction of a mixed-use development consisting of a high-rise apartment tower over a commercial/ground oriented housing podium.

2.0 BACKGROUND

2.1 On 2011 May 30, Council received the report of the Planning and Building Department regarding the rezoning of the subject site and authorized the Department to work with the applicant in 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.

On 2010 December 13, Council gave Final Adoption to an amendment to the Burnaby Zoning Bylaw which expanded the established density bonus provisions in the Burnaby Zoning Bylaw by adding a new suffix ('s') for the RM3, RM4 and RM5 Districts. On 2011 February 22, Council adopted a policy for applying 's' category zoning. In general, the policy applies 's' category zoning potential to sites with a prevailing RM3, RM4 or RM5 designation within the City's four Town Centres of Edmonds, Lougheed, Brentwood and Metrotown.

Since the adoption by Council of 's' category zoning and the accompanying policy for its application (which makes the subject site eligible for its use), the proponent for the subject rezoning amendment has submitted plans in accordance with the RM5s District.

2.2 The site is comprised of 7 lots (see Sketch #1 *attached*). Five lots addressed at 4382 and 4394 Beresford Street, 6337 Silver Avenue and 6336 and 6350 McKay Avenue, are zoned M4 Special Industrial District. 6364 McKay Avenue and 6361 Silver Avenue are zoned RM3 Multiple Family Residential District. 6350 and 6364 McKay Avenue and 6337 and 6361 Silver Avenue are occupied by older single family dwellings in poor condition. 4394 Beresford is owned by the City, and is vacant. 4382 Beresford Street is also a City-owned lot and is occupied by an older single family dwelling in good condition that is on the City's heritage inventory. 6336 McKay Avenue is currently occupied by an older commercial building in poor condition. As noted, the properties at 4382 and 4394 Beresford Street are owned by the City and are proposed to be included in the subject consolidated development site. The plan of development for the overall site considers the on-site preservation, private ownership and adaptive re-use of the heritage structure identified in the Burnaby Heritage Inventory as the Daniel and Amelia Mowat Residence. Built in 1913, this large Craftsman styled residence is one of the last remaining historic homes in the Maywood area and is a good candidate for preservation and rehabilitation for adaptive re-use on-site.

2.3 The Metrotown Development Plan designates redevelopment sites fronting Beresford Street, including the subject site, for higher-density (RM5) multiple-family development, as outlined in the Metrotown Development Plan document (June 1977). In accordance with Council-adopted policy regarding application of 's' category zoning, the subject site, by virtue of its RM5 designation under the current Plan, is eligible for the RM5s category zoning, subject to there being significant community benefits, a sustainable redevelopment approach, exceptional public realm improvements, a high quality urban design and superior architectural expression derived from the project. This site is also considered suitable for the proposed development given its strategic location in relation to the BC Parkway, the Expo SkyTrain line, the nearby Metrotown SkyTrain Station, the adjacent Station Square Shopping Centre, and the nearby Metropolis commercial centre and Metrotown core area.

In terms of the governing allowable density for the site, the maximum allowable residential floor area ratio would be 5.0 FAR applicable to the net site, which is inclusive of the proposed use of the 1.6 FAR amenity bonus. The C2 Community Commercial District as a guideline provides for an additional 1.3 FAR of commercial floor area, for a total potential FAR of 6.3 applicable to the site.

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

3.0 GENERAL COMMENTS

3.1 The proposed development plan is for a single 38-storey high-rise apartment tower with a 4-storey commercial podium on Beresford Street and a 4-storey residential podium on Silver Avenue. The proposed development concept also includes the restoration of the Mowat

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Residence, its relocation to the McKay Avenue frontage, and its use for rental housing. The proposed development concept, therefore indicates a strong street-oriented relationship on its three public frontages, as well as a strong contextual relationship to the surrounding existing development. A total of 288 apartment units are proposed. Additionally, a total of 20,520 sq. ft. of locally-oriented commercial retail is indicated. All required parking is proposed to be located underground (a few surface convenience stalls are provided), and access taken from McKay Avenue, though the access to the underground parking garage is internal to the site, thereby avoiding the need for direct access from the street. Overall, the subject proposal is considered to embody exceptional urban design and architectural expression in terms of the building's siting, massing, pedestrian orientation and materiality; thus, meeting the high standard for such development in the City's town centre areas.

To complement the built form, a progressive landscape treatment is proposed which includes boulevards and street trees on Silver and McKay Avenues to help soften the urban environment. A key component of this development is the continuation of the urban design elements for Beresford Street as an art walk and celebratory street, which were established by Rezoning Reference #08-05. Substantial on-site planting and a water feature are also proposed to further enhance the development. It is also worthy to note the site's overall permeability to stormwater as shown by the extensive use of unit pavers and soft landscaping which contribute to on-site stormwater detention. The landscape design also provides for on-site pedestrian lighting and lit pedestrian/courtyard environments, casual seating opportunities and raised planters that help to define public and private spaces.

All required parking is proposed to be located underground, and access taken from McKay Avenue. The development proposal meets the required Burnaby Zoning Bylaw parking ratio of 1.1 spaces per unit (0.1 of which is for visitor parking). The developer has also provided other transportation alternatives. First, given the subject site's proximity to both the Metrotown SkyTrain Station and bus loop, the developer is providing 44 (15% of total units provided) transit passes (two zones) for two years to be made available to residents seeking an alternative to car use and ownership. Second, the proposed development is providing twice the required secured bicycle parking. Finally, the development will provide 29 Electric Vehicle (EV) plug-in stations (including all necessary wiring, electrical transformer and mechanical ventilation modifications) as well as 2 electric vehicles (one large capacity) to be owned, operated and maintained by the future strata corporation. The developer will also be providing two 'fast charge' stations to help increase charge rates on-site. This arrangement would provide greater access to alternative transportation for a greater number of residents in that the cars would be for the exclusive use of the development's residents with ownership resting with the strata corporation. Moreover, by providing a significant number of EV plug-ins, electric vehicle ownership in a multi-family context is facilitated, thus further enabling sustainable transportation choices.

The development's proposed parking standard, the provided supportive transportation demand management measures, and the servicing (primarily road improvements) arising from the development are supported by a transportation study submitted by the applicant.

The developer has also agreed to pursue green building practices by committing to achieve a Silver (equivalency) rating under the Leadership in Energy and Environmental Design (LEED) program.

- 3.2 The three-storey dwelling at 4382 Beresford Street, currently owned by the City, was built in 1913 for Daniel and Amelia Mowat. It is a very good example of a Craftsman vernacular styled Burnaby residence and is one of the few historic buildings of its type remaining in the Metrotown area. It is listed on the Burnaby Heritage Register and is a good candidate for preservation and rehabilitation for adaptive reuse on-site.

The building's original exterior design remains very much intact and is in fair condition overall. A Heritage Conservation Plan is to be provided by the applicant's consultant to ensure that its remaining character defining elements are conserved, and those which have been lost are restored, as part of the overall development project proposed.

The developer has indicated that he wishes to utilize the Heritage Revitalization Agreement (HRA) to vary the zoning to allow for the retention and reuse of the heritage house. The variance sought is the exclusion of gross floor area from the density calculation for the site. This approach was used by the City for other similar HRA projects (3762 Thurston Street, 6088 Wilson Avenue and 5575 Jersey Avenue). This approach entails the completion of a detailed Heritage Conservation Plan for the restoration of the house, and an agreement to protect the building under a Heritage Designation Bylaw. The HRA and Designation Bylaws are registered on title.

A separate report regarding the HRA will be submitted in due course with a separate Public Hearing for the specific matters relating to the HRA and Designation Bylaw to follow through the Community Heritage Commission.

- 3.3 Development of the subject site includes City-owned property at 4382 and 4394 Beresford Street. The City owned properties measure approximately 1,357.46 m² (14,612 sq. ft.) in size (subject to detailed survey). The Legal and Lands Department has valued the sale of City-owned property at \$82.50 per sq.ft. buildable. The purchase of City property by the developer is a prerequisite of the subject rezoning application and the land would be transferred at Final Adoption of the Rezoning Amendment Bylaw.
- 3.4 Given the site's Town Centre location, the applicant is proposing to utilize the supplemental amenity density bonus provisions indicated within the Zoning Bylaw. In so doing, the applicant would achieve an additional 1.6 FAR, which translates into 75,381 sq. ft. of additional floor area included in the development proposal. The Legal and Lands Department reports the value of the density bonus to be \$82.50 per sq. ft. buildable, for a total value of \$6,218,933. At its meeting of 2011 July 11, Council adopted a recommendation from the Community Development Committee that the density bonus funds be taken as a cash in-lieu contribution for future use toward a community amenity. In general terms, the report indicated that the \$6,218,933 be accepted as a cash-in-lieu contribution, and deposited in the Metrotown Town Centre Financial Account. As per the City's Community Benefit Policy, 20% of the total deposited in the account (\$1,243,787)

would be allocated to the affordable/special needs housing sub-account, leaving the remainder of \$4,975,146 available for the provision of other community amenities, including housing, at some point in the future.

- 3.5 The City Engineer will assess the need for any further required services to the site, including, but not necessarily limited to:
- Construction of Beresford Street to its final standard with separated sidewalks, street trees, enhanced boulevards, street lighting and pedestrian lighting;
 - Construction of a new curb and separated sidewalk along the west side of Silver Avenue and along the east side of McKay Avenue, including street trees, front and rear boulevards and street and pedestrian lighting;
 - Undergrounding of overhead lines; and,
 - Storm, sanitary sewer and water main upgrades as required.
- 3.6 A 10.06 m. (33 ft.) dedication is required along the Beresford Street frontage to accommodate the road's ultimate widening and to accommodate the public realm improvements envisioned for Beresford Street as an art walk and celebratory street, as well as the proposed future transit exchange to the north, as identified in the Metrotown Transit Village Study. However, as the construction timing for the future transit exchange and related widening of Beresford Street is uncertain, it is proposed that the 10.06 m. dedication be transferred to the City as a fee simple lot at no cost to the City. Due to the extent of road dedications required of this site, and in order to preserve its potential for town centre development, it is proposed that the density related to this City lot, of approximately 633.8 m² (6,822 sq.ft.), contribute to the net development site. It is noted that the same approach was taken with the development site at Telford Avenue and Beresford Street (Rezoning Reference #08-05) one block to the east.
- 3.7 The applicant has elected to provide a minimum of 9 adaptable units and has provided 9 handicap parking stalls within the underground parking structure. Handicapped parking stalls will be protected by a Section 219 Covenant as common property to be administered by the Strata Corporation.
- 3.8 Any necessary easements and covenants for the site are to be provided, including, but not necessarily limited to:
- Statutory rights of way guaranteeing public access to the noted pedestrian areas indicated on the development plans,
 - Covenant restricting enclosure of balconies,
 - Covenant indicating that project surface driveway accesses will not be restricted by gates,
 - Covenant guaranteeing provision and maintenance of public art,
 - Covenant ensuring the provision of a minimum of 10 handicap accessible parking stalls in the resident parking area for the sole use of the required 10 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.

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- 3.9 Due to the proximity of the subject site to the SkyTrain guideway to the north, the applicant is required to provide an acoustical study showing that the proposed development would meet the Council-adopted noise criteria.
- 3.10 A very large portion of the site will be excavated for development. As such, the developer will not be required to submit a tree survey. A varied and substantial landscape and tree planting plan has been provided as part of the suitable plan of development.
- 3.11 Provision of an adequately sized and sited garbage and recycling area, as well, separate car wash stalls are required.
- 3.12
 - 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
- 3.13 A site profile application is not required given the site's past residential use.
- 3.14 A suitable engineered design to the approval of the Director Engineering 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.
- 3.15 Engineering Environmental Services Division will need to review a submission of a detailed plan of an engineered Sediment Control System prior to Final Adoption. The proposed Sediment Control system will then be the basis after Final Adoption for the necessary Preliminary Plan Approval and Building Permit.

4.0 DEVELOPMENT PROPOSAL

4.1 Site Area

Gross Site	-	4,395.7 m ² (47,316 sq.ft.)
Dedications	-	633.8 m ² (6,822 sq.ft.)
Density Transfer (Re: Future Road/City Lot)	-	633.8 m ² (6,822 sq.ft.)
Net Site	-	3,761.9 m ² (40,494 sq.ft.)
Net Area for Calculation of Density	-	4,395.7 m ² (47,316 sq.ft.) (subject to detailed survey)

4.2 Density

F.A.R. Permitted & Provided:

Residential: - 5.0 F.A.R.(inclusive of 1.6 FAR amenity bonus)

Commercial: - 0.67 FAR

COMBINED TOTAL - 5.67 FAR

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- Gross Floor Area Permitted & Provided
- Residential: - 21,978.3 m² (236,580 sq.ft.)
(inclusive of 75,381 sq. ft. amenity bonus)
 - Commercial/Retail/Office: - 1,906.3 m² (20,520 sq.ft.)
 - TOTAL** - **23,884.6 m² (257,100 sq.ft)**
(excludes 3,000 sq.ft. of residential amenity space and 3,714 sq. ft. for Mowat Residence)
 - Site Coverage: - 30%
- 4.3 Height (all above grade)
- 4 storeys for street-fronting retail and office space fronting Beresford Street
 - 4 storeys for street-fronting townhouses/apartments fronting Silver Avenue
 - 3 storeys for restored Mowat Residence fronting McKay Avenue
 - 38 storeys from grade for the high-rise apartment tower fronting Silver Avenue

4.4 Residential Unit Mix

<u>Unit Type</u>	<u>Unit Size</u>
109 - Studio	519 – 573 sq.ft.
11 - 1 Bedroom	599 – 635 sq.ft.
<u>168 - 2 Bedroom</u>	733 – 939 sq.ft.
TOTAL: 288 UNITS	

4.5 Parking


Vehicle Parking	<u>Required and Provided Spaces</u>
288 Apartment Units (1.1 spaces/unit)	- 317 (inclusive of 29 visitor spaces)
20,520 sq. ft. Commercial/Office (1 space/750 sq. ft.)	- 29
Car Wash Stalls	- 2

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- Commercial Loading** - 2
- Bicycle Parking** *Required and Provided Spaces*
 - Residential
 - Resident - 2/unit @ 288 units - 576 in storage lockers
 - Visitor - 0.2/unit @ 288 units - 116 in racks (throughout site)
 - Commercial
 - 10% of required vehicle parking - 3 (combined with visitors racks)

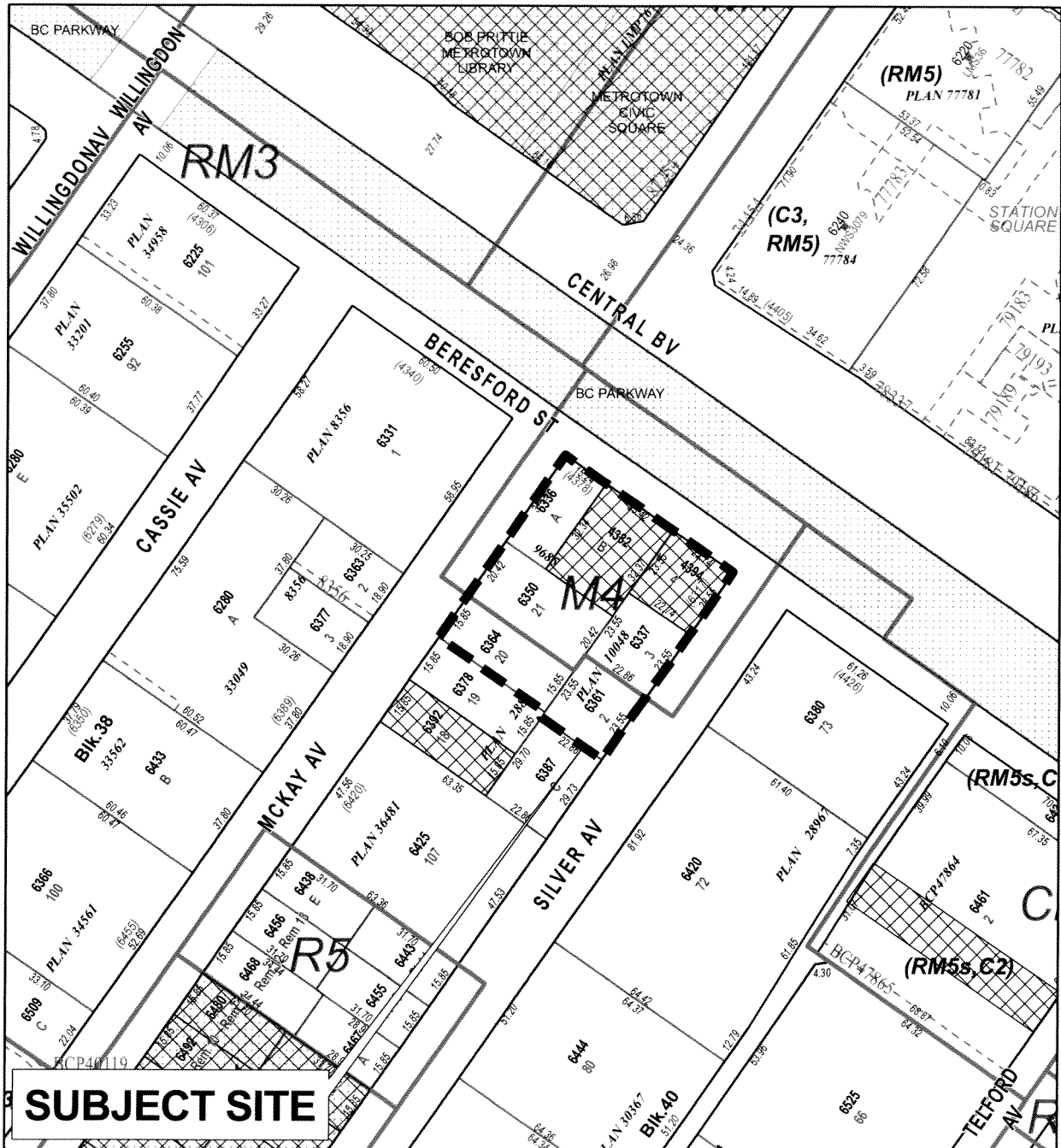
4.6 Communal Facilities
(Excluded from F.A.R. Calculations)

Primary communal facilities for residential tenants are located on the ground floor of the residential tower. Facilities include a lounge, meeting room, and gym exclusively available to the residents. The amenity area amounts to 278.7 m² (3,000 sq.ft), which is a permitted exemption from Gross Floor Area. The applicant has also provided a central garden/greenspace equipped with a public art installation and a play area.


B. Luksun, Director
PLANNING AND BUILDING

EK:spf
Attachments

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



SUBJECT SITE





PLANNING & BUILDING DEPARTMENT



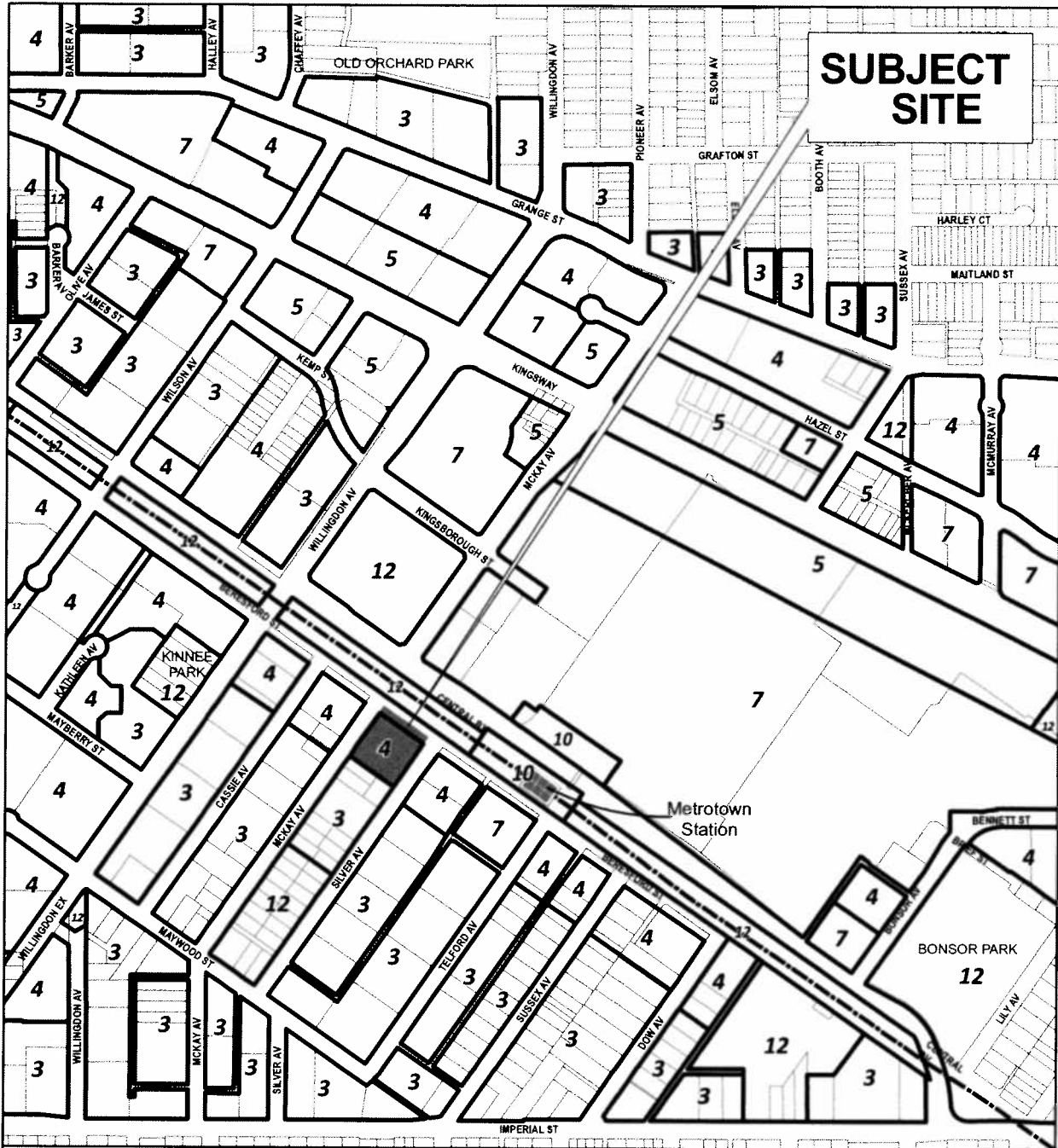
DATE:
JAN 05 2011

SCALE:
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DRAWN BY:
DJ

 Subject Site  City-Owned Properties

REZONING REFERENCE # 10 -- 39
4382 & 4394 BERESFORD ST, 6337 & 6361 SILVER AVE,
6336, 6350 & 6364 MCKAY AVE

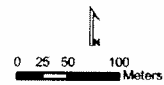


- | | |
|--|---|
| 1 Single and Two Family Residential | 7 High Density Mixed Use (RM5/C3 or RM5/C2) |
| 2 Low Density Multiple Family Residential (RM1) | 10 Institutional (P1/P2/P5) |
| 3 Medium Density Multiple Family Residential (RM2/RM3) | 12 Park and Public Use/Public School (P3) |
| 4 High Density Multiple Family Residential (RM4/RM5) | |
| 5 Commercial (C2/C3) | |
| 6 Medium Density Mixed Use (C9 or RM3/C2) | |



Planning and Building Dept

Metrotown Plan



1:7,500

Updated to Feb 2010

Sketch #2