



Item
Meeting 2015 October 26

COUNCIL REPORT

TO: CITY MANAGER 2015 October 21

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #14-29
Four-Storey Mixed-use Development
Royal Oak Community Plan

ADDRESS: 6960 Royal Oak Avenue (see *attached* Sketches #1 and #2)

LEGAL: Lot 106, D.L. 98, Group 1, NWD Plan 56012

FROM: M4 Special Industrial District

TO: CD Comprehensive Development District (based on C9 Urban Village Commercial District and Royal Oak Community Plan guidelines and the development plan entitled "Mix-Use Development, 6960-Royal Oak Avenue, Burnaby, B.C." prepared by DF Architecture Inc.)

APPLICANT: Vineet Kirpal
5525 Buckingham Avenue
Burnaby, BC V5E 1Z9

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2015 November 24.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2015 November 09 and to a Public Hearing on 2015 November 24 at 7:00 p.m.
2. **THAT** a copy of this report be sent to the owner of 6900 Royal Oak Avenue for information.
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 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.

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- 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) 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 dedication of any rights-of-way deemed requisite.
- f) The granting of any necessary statutory rights-of-way, easements and/or covenants.
- g) The granting of any necessary Section 219 Covenants including:
 - restricting enclosure of balconies;
 - indicating that project surface driveway access will not be restricted by gates;
 - ensuring compliance with the approved acoustical study; and,
 - ensuring that handicap accessible parking stalls be held in common property to be administered by the Strata Corporation.
- h) Compliance with the guidelines for surface and underground parking for residential visitors and commercial patrons.
- i) The review of a detailed Sediment Control System by the Director Engineering.
- j) The submission of a suitable Solid Waste and Recycling plan to the approval of the Director Engineering.
- k) The design and provision of units adaptable to persons with disabilities, the provision of customized 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.
- l) The provision of a covered car wash stall and an 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.

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- m) The review of on-site residential/commercial loading facilities by the Director Engineering.
- n) The submission of a Site Profile and resolution of any arising requirements.
- o) The pursuance of Storm Water Management Best Practices in line with established guidelines.
- p) The submission of a geotechnical review regarding stability confirming that the site may be used safely for both the intended use, for review by the Chief Building Inspector and granting of a Section 219 Covenant respecting the submitted report.
- q) The provision of facilities for cyclists in accordance with this report.
- r) Compliance with the Council-adopted sound criteria.
- s) The undergrounding of existing overhead wiring abutting the site.
- t) The submission of a detailed comprehensive sign plan.
- u) The deposit of the applicable Parkland Acquisition Charge.
- v) The deposit of the applicable GVS & DD Sewerage Charge.
- w) The deposit of the applicable School Site Acquisition Charge.
- x) 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 four-storey mixed-use development with full residential underground parking and at grade commercial parking, with ground level commercial fronting Royal Oak Avenue and residential uses (42 units) above.

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2.0 BACKGROUND

- 2.1 The subject site is located on the east side of Royal Oak Avenue between Beresford Street and Imperial Street (see *attached* Sketch #1) and is currently occupied by a multi-tenant office/industrial building. Vehicular access to the site is currently provided from the rear lane. The immediate area to the west and east (including the subject property) is currently zoned M4 Special Industrial District, which permits a range of industrial, commercial and existing residential uses. To the south is the Royal Oak SkyTrain Station and the BC Parkway, with a mix of older single-family dwellings and newer multi-family dwellings beyond. Directly to the north is an existing car wash facility, with a new mixed-use commercial/residential development beyond at 6888 Royal Oak Avenue, constructed in 2012 under Rezoning Reference #06-46. It should also be noted that this Department is currently in receipt of a rezoning application for the development of a multiple-family redevelopment in line with the RM2 Multiple Family Residential District, located at 6989, 7009 and 7029 Royal Oak Avenue (Rezoning Reference #13-05) and a mixed-use commercial/residential development in line with the C9 Urban Village Commercial District 6837, 6857 and the northern portion of 6875 Royal Oak Avenue (Rezoning Reference #14-47).
- 2.2 The adopted Royal Oak Community Plan identifies the property located at 6900 Royal Oak Avenue along with the subject property for consolidation and future CD (C9) development. In early 2014, the owner of 6900 Royal Oak Avenue approached this Department with the intention of adding wash facilities to the existing car wash business. At its Closed Meeting of 2014 February 17, Council authorized the Legal and Lands Department to negotiate for the acquisition of 6900 Royal Oak Avenue. However, negotiations between the City and property owner were unsuccessful due to the property owner's intent of continuing the car wash business on this property. As the owner of 6900 Royal Oak Avenue is unwilling to sell their property at this time for development in line with the adopted Plan, it is considered suitable to advance the subject rezoning on its own with 6900 Royal Oak Avenue being brought forward for redevelopment at a future date.
- 2.3 Further, the applicant has presented a fair market value offer to the owner of 6900 Royal Oak Avenue, but it was rejected in favour of continuing the car wash business on the property. The Legal and Lands Department has reviewed the offer made by the applicant and has found it to be within the range of fair market value. It is noted that the two sites are able to develop on their own separately in accordance with the adopted Plan, as both sites meet the C9 Urban Village Commercial District minimum lot width and area requirements.
- 2.4 At its meeting of 2014 September 29, Council received the report of the Planning and Building Department regarding the rezoning of the subject property and authorized staff to work with the applicant towards a suitable plan of development in line with the C9 Urban Village Commercial District, with the understanding that a further and more

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detailed report would be submitted at a later date. 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 four-storey mixed-use building with commercial uses on the ground floor fronting Royal Oak Avenue, with 42 residential units located on three levels above. All residential parking is to be provided underground with at-grade enclosed commercial parking provided at the rear of the development. Vehicular access is provided via the rear lane.

3.2 The Director Engineering will be requested to prepare an estimate for all services necessary to serve this site, including but not necessarily be limited to:

- the construction of new curb, gutter and separated sidewalk with paved boulevards, and street trees along the Royal Oak Avenue frontage, extending to the point of logical connection within the BC Parkway;
- the construction of a 4.0m urban trail with landscaping and pedestrian lighting on the north side of the Royal Oak Station, south of the development site, across the development frontage; and,
- the upgrade of sanitary storm and water services as required.

A dedication from the Royal Oak Avenue frontage, of 2.04 m (6.7 ft.) at the northwest corner of the site, tapering to 2.7 m (8.9 ft.) at the southwest corner of the site, is required as part of the proposed development for separated sidewalks. The total area of dedications is approximately 75.2 m² (809 sq.ft.) (subject to legal survey).

3.3 As there are significant improvements that would directly benefit land proposed to be retained for public recreation purposes beyond the development frontage, and to provide access for the neighbourhood to the Royal Oak SkyTrain Station, it is proposed that a cost sharing approach be established between the developer and TransLink (see *attached Sketch #1*) to fund the construction of the 4.0m BC Parkway urban trail on the north side of the station, the installation of new lighting along this section of the BC Parkway urban trail and provision of related landscape works.

With regards to these above-noted works, TransLink and the developer will each be partially (50%) responsible for the works that represent a net improvement to the urban trail, with the developer undertaking the necessary cost estimate, design and construction. TransLink will be responsible for the ongoing maintenance and upkeep of the urban trail once the improvements are constructed. TransLink has agreed in principle with the appropriate share of the costs. It is noted that construction cannot be completed until the existing unused rail line is removed. If the rail lines have not been removed at the time the subject application has been approved to Final Adoption, the appropriate cost-share funds will be taken in lieu of construction.

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- 3.4 In accordance with the City's policy for adaptable units, a total of 9 units (20% of the total number of residential units) have been provided meeting adaptable standards. As permitted under the adopted policy, 20 sq. ft. for each adaptable unit is exempt from F.A.R., resulting in a total adaptable unit F.A.R. exemption of 180 sq.ft. One handicap accessible parking stall is provided in connection with this development within the residential parking area. The accessible parking stall will be protected by a Section 219 Covenant as common property to be administered by the Strata Corporation.
- 3.5 Any necessary easements, covenants and statutory rights-of-way for the site are to be provided, including, but not necessarily limited to:
- Section 219 Covenant restricting the enclosure of balconies;
 - Section 219 Covenant providing that all disabled parking to remain as Common Property; and,
 - Section 219 Covenant ensuring compliance with the submitted acoustical analysis.
- 3.6 In light of the proximity to Royal Oak Avenue and the Royal Oak SkyTrain Station, an acoustic study is required to ensure compliance with the Council-adopted sound criteria.
- 3.7 One car wash stall and an appropriately screened garbage handling and recycling holding area will be provided on site.
- 3.8 A Comprehensive Sign Plan is required.
- 3.9 The approval of a detailed commercial loading plan by the Director Engineering is required.
- 3.10 Due to the commercial history of the site, a Site Profile and the resolution of any arising issues will be required.
- 3.11 The developer is responsible for the undergrounding of overhead wiring abutting the site on Royal Oak Avenue and the rear north south lane.
- 3.12 The 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.
- 3.13 Given the size of the site, best management practices are acceptable in lieu of a formal storm water management plan.
- 3.14 A geotechnical review of the subject site's soil stability, prepared by a professional engineer, and registration of a Section 219 Covenant regarding the findings of the

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approved report will be required. The approved report must note that the land may be used safely for the intended use and in accordance with the conditions specified in the report.

3.15 Applicable Development Cost Charges are:

- a) Parkland Acquisition Charge of \$3.84 per sq.ft. of residential gross floor area
- b) School Site Acquisition Charge of \$800.00 per unit
- c) GVS&DD Sewerage Charge of \$1,082.00 per apartment unit and \$0.811 per sq.ft. of gross commercial floor area.

4.0 DEVELOPMENT PROPOSAL

4.1 Site Area:

Gross Site	-	1,881.5 m ² (20,252 sq.ft.)
Dedications	-	75.2 m ² (809 sq.ft.)
Net Site	-	1,806.3 m ² (19,443 sq.ft.) (Subject to detailed survey)

4.2 Density:

FAR Permitted and Provided	-	2.2 FAR
Gross Floor Area (GFA)	-	3,982.8 m ² (42,870 sq.ft.)
Site Coverage	-	81 %

4.3 Height

- 4 Storeys
 16.0 m (52.5 ft)

4.4 Unit Mix:

15 one-bedroom units:	-	56.1 – 59.2 m ² (604 – 637 sq.ft.)
27 two-bedroom units:	-	70.0 – 77.1 m ² (754 – 830 sq.ft.)

TOTAL NUMBER OF UNITS - **42 units (inclusive of 9 adaptable units)**

4.5 Vehicle Parking and Loading:

Residential @ 1.6 spaces/unit		<u>Required</u>	<u>Provided</u>
	-	68	73 (incl. 11 visitor parking spaces)
Commercial 608.5 m ² @ 1 space/46 m ² Required and Provided	-	13	
Total Parking Provided	-	86	

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Car Wash Stall Required and Provided	-	1
Residential Commercial Loading Required and Provided	-	1
Disabled spaces (included in Parking Total)	-	1 residential space provided underground; 1 commercial space provided at grade

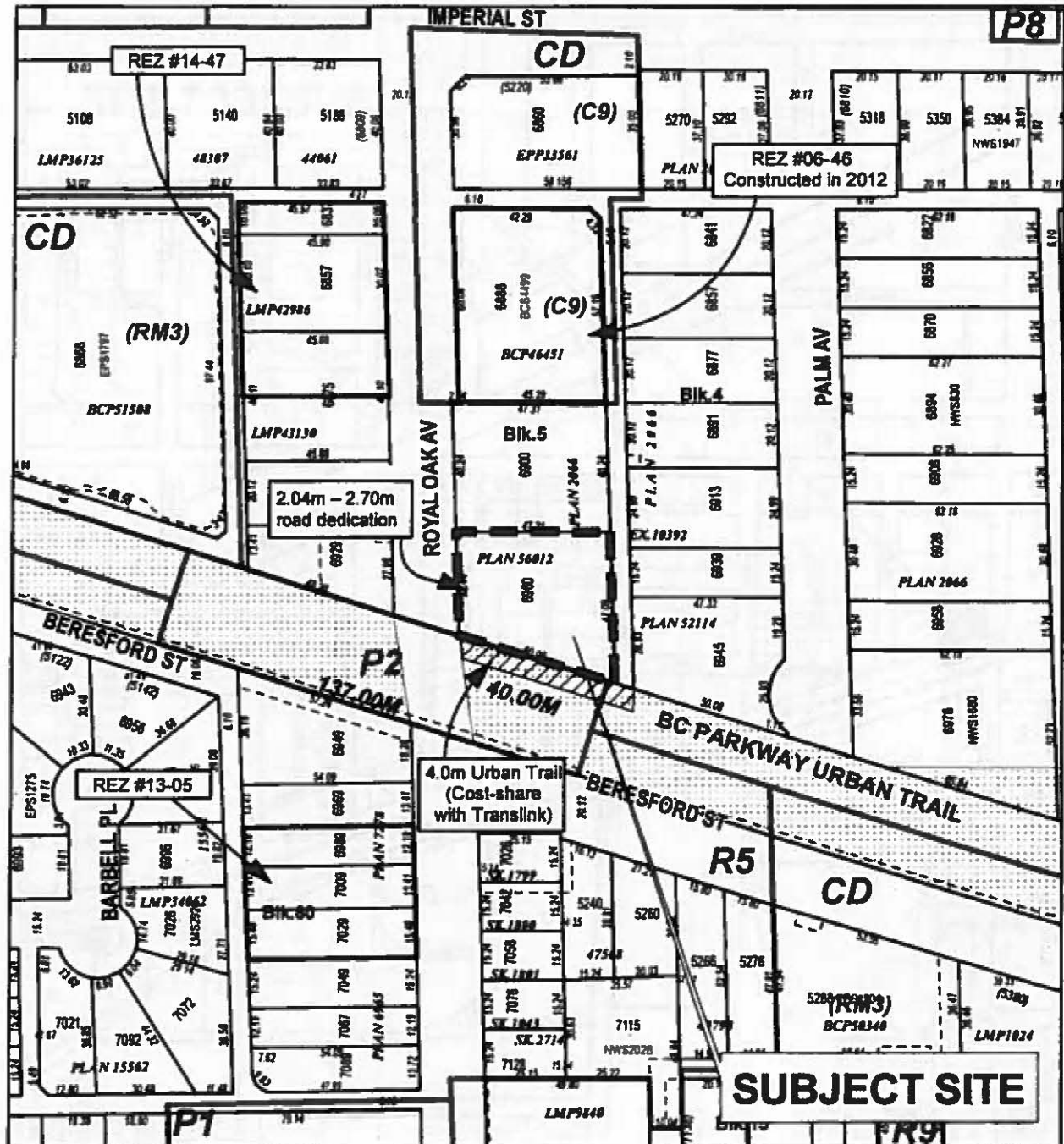
4.6	<u>Bicycle Parking:</u>		<u>Required</u>	<u>Provided</u>
	Secure Residential @ 1 locker/unit	-	42	50
	Visitor Racks @ 0.2 spaces/unit + 10% of Commercial off-street parking Required and Provided	-	10	





Lou Pelletier, Director
PLANNING AND BUILDING

GT:spf
Attachments

cc: Director Engineering
City Solicitor
City Clerk

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		PLANNING & BUILDING DEPARTMENT 	
Date: OCT 06 2015		REZONING REFERENCE #14-29 6960 ROYAL OAK AVENUE	
scale: 1:2,000		 Subject Site	
Drawn By: AY			

Sketch #1



**Royal Oak Community Plan
Land Use**



PLANNING & BUILDING DEPARTMENT

General Land Use Designation Key

- 1** Single and Two Family Residential
- 3** Medium Density Multiple Family Residential
- 5** Commercial
- 6** Medium Density Mixed Use
- 9** Industrial
- 10** Institutional
- 12** Park and Public Use
- 20** Industrial and Commercial Mixed Use

