



Item
Meeting 2020 October 26

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 October 21

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 49500 20
Reference: REZ #17-40

SUBJECT: REZONING REFERENCE #17-40
5985 BARKER AVENUE
RESPONSE TO ISSUES RAISED AT PUBLIC HEARING

PURPOSE: To provide information on the issues raised at the Public Hearing for Rezoning Reference #17-40.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to the applicant and to those who spoke at, or submitted correspondence to, the Public Hearing for Rezoning Reference #17-40.

REPORT

1.0 BACKGROUND

On 2020 July 28, a Public Hearing was held for Rezoning Reference #17-40. The purpose of the subject rezoning application is to permit the development of a 42-storey apartment building located at the at the end of Barker Avenue and a six-storey low rise non-market apartment building fronting Olive Avenue (see *attached* Sketches #1 and #2). The proposed development replaces 52 existing rental units currently on the site.

At the Public Hearing, 83 written submissions (including a 149 signature petition), and 20 verbal submissions were received, the majority of which expressed a variety of concerns. Concerns related to: traffic, parking and garbage access; construction noise and impacts; plan designation, density; building height, spatial separation, shadow impacts; capacity of area amenities and infrastructure; property values; and seismic safety and emergency access.

At the Public Hearing, Council requested that a staff report be submitted to provide further information on the issues raised. This report responds to Council's request.

2.0 ISSUES RAISED

2.1 Area Traffic, Parking, and Solid Waste Access

Concerns were raised regarding area traffic, available parking and garbage location.

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Area Traffic

A comprehensive review of traffic and transportation related infrastructure required for the proposed development has been undertaken by City staff within the Transportation Planning and Traffic Engineering divisions, and the applicant is undertaking a Neighbourhood Transportation Study for the Central Park East neighbourhood. The study identifies feasible and effective street network requirements for the build-out of this neighbourhood. The findings will also be used to identify any further improvements (e.g. lane reconfigurations, new or adjusted traffic signals) that may be required to support the development in line with the adopted Plan. Any arising proposed improvements to the adjacent road network that result from the required study will be identified and addressed prior to the subject application proceeding to Final Adoption.

Parking

Concern was expressed regarding the proposed number of parking spaces for the development, with one submission citing environmental impacts of too many spaces being provided and another suggesting an insufficient number of spaces. Concern was also expressed regarding the potential impact of proposed car wash stalls on local waterways.

The development proposes a total of 314 strata residential units, and 52 non-market rental units, with a total of 367 parking spaces (including 37 allocated for visitors). To encourage and support alternative transportation choices, the developer is providing a comprehensive transportation demand management strategy, which includes: two bicycle parking spaces per unit, a transit pass subsidy program for both the market and non-market units, and 4 spaces allocated for car-share. The proposed parking, coupled with the identified Transportation Demand Management provisions, and nearby access to the Patterson SkyTrain Station (100m) is supportable and is not anticipated to have any related neighbourhood parking impacts.

Solid Waste and Recycling Access

Concerns were raised regarding the location of solid waste and recycling facilities and their proximity to developments to the north. While the proposed temporary staging area for solid waste and recycling are located on the north side of the strata building, this is only utilized during pickup times. Solid Waste and Recycling bins are permanently stored within the underground parking in secure, ventilated rooms. Bins are taken to the surface temporary staging locations by jitney truck directly before pick-up on collection days, and are returned underground after pick-up is completed. Bins are not permitted to be permanently stored at the surface. As such, concerns related to odor, noise of bins being opened and closed, and other wildlife issues would not be an issue.

2.2 Construction Noise and Impacts

Concerns were raised regarding noise and dust generated by construction activities. Concerns were also raised regarding noise echo between high-rise buildings.

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Construction Noise and Impacts

It is recognized that with construction comes some impact to the surrounding area, including noise and dust. To minimize noise impacts to the surrounding neighbourhood, the applicant will be required to ensure that construction and vehicle noise originating from the proposed development site abides by the permitted hours of construction and the Burnaby Noise or Sound Abatement bylaw. The bylaw limits construction activity to the hours of 7:00 am to 8:00 pm Monday to Friday, and 9:00 am to 8:00 pm on Saturdays. The bylaw also limits the level of noise emanating from construction sites to 85 dBAs. With respect to dust generated as a result of development, the applicant will be required to submit a control plan to the Engineering Department prior to issuance of a Building Permit to ensure that dust, and other sediment control matters are properly managed.

Traffic Impacts During Construction Activity

To mitigate potential traffic impacts during construction activities, the applicant will be required to submit a construction access plan to the Engineering Department prior to commencement of construction. The plan would address construction access locations, materials delivery locations and timing, and specific requests for construction related road closures. As an overarching principle, the applicant will be requested to accommodate construction traffic and materials delivery on the development site itself, wherever possible. Furthermore, contractors and trades will be encouraged to use transit to access the site, and the applicant will also be required to secure sufficient off-street parking for contractors and trades so that parking on City streets is not necessary.

Noise Echo as a result of the Buildings Design

Concerns were raised related to the potential echo of traffic and emergency vehicle noise related to the proposed building's siting and design. The reverberation of noise against buildings may be an issue related to buildings that have a high proportion of glass within the buildings façade, as well as for buildings with flat façades, with little building articulation. The proposed building is highly articulated, with curving balconies, and concrete, and insulated metal panel details. This building articulation and reduction of glass will substantially mitigate noise reverberation between buildings. Furthermore, all developments within the City of Burnaby since the late 1970s are required to meet the HUD (Housing and Urban Development) standards for sound abatement, and require the submission of an acoustical study to ensure that interior noise levels are at, or below, the decibel levels prescribed within the Burnaby Noise and Sound Abatement bylaw.

2.3 Plan Designation and Density

Concerns were raised regarding the Planned Land Use Designation and Density, and the extent of community consultation.

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Plan Designation

The subject site is located within the Central Park East neighbourhood of the Council Adopted Metrotown Downtown Plan (2017). The adopted Plan identifies this neighbourhood as a high density neighbourhood with a garden-like setting that is defined by its relationships to Central Park, Kingsway, the BC Parkway and Patterson SkyTrain Station. With respect to building form, such developments are intended for high-rise residential apartment buildings with low-rise apartments, townhousing or row-housing podiums fronting bounding streets.

The adopted Plan designates the subject development site for high density multiple-family residential development under the CD Comprehensive Development District, utilizing the RM5s and RM5r Multiple Family Residential Districts as a guideline. This is the same designation and market strata density as the adjacent Aldynne on the Park development to the north at 5812 Patterson Avenue.

In accordance with Council's recently adopted Finalized Rental Use Zoning Policy, Stream 1 – Rental Replacement, and Stream 2 – Inclusionary Rental apply to the subject rezoning application. In this regard, the applicant is required to provide the greater of the 1:1 replacement of existing rental units, or the equivalent of 20% of the proposed strata units (excluding RMr rental density and Density Offset), which in this circumstance results in the replacement of 48 rental units on-site, and the provision of 4 additional inclusionary non-market units. To ensure affordability, the required rental units are to be offered at pre-development rents (subject to permitted Residential Tenancy Act increases) for returning tenants, and 20% below CMHC median market rates for new tenants. To assist with the provision of the affordable housing, a density offset of 1.1 FAR is applied to the site.

Community Consultation

The Metrotown Downtown Plan was adopted by Council in 2017, after a City wide consultation process over a 12 month period, which engaged over 2,000 people, at 40 events, and was advertised online, in the Burnaby Now, and directly sent to over 94,000 properties in Burnaby through the City's Info Burnaby newsletter.

In regard to the subject development proposal, developments undergoing rezoning are required to advance to a Public Hearing for public consultation. Requirements of a Public Hearing process are established under the provisions of the Local Government Act (Sections 465 Public Hearing Procedures and Section 466 Public Hearing Notice), as well as the Burnaby Zoning Bylaw (Section 7.8 Bylaw Amendments).

Public consultation for the proposed development under Rezoning Reference #17-40 has occurred in compliance with the requirements of the Local Government Act and Burnaby Zoning Bylaw. Notification of the public hearing process included:

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- Installation of a Public Hearing sign along the Barker and Olive Avenue frontages of the subject development site notifying the public of the proposed rezoning, place, time and date of the hearing, and, contact information of the rezoning applicant;
- Advertisement of the proposed rezoning bylaw amendment in 2 consecutive issues of a newspaper (Burnaby Now), the last publication to appear not less than 3 days and not more than 10 days before the public hearing; and,
- Provision of written notice and copy of the proposed bylaw amendment to all property owners and residents within 30 m of the subject development site.

The proposed plan of development has also been made available for viewing in advance of the Public Hearing online (attached to the Public Hearing Agenda), and by contacting the Planning Department directly.

2.4 Proposed Building Height, Spatial Separation and Shadow Impacts

Concerns were raised regarding the proposed height and separation of the high-rise buildings as it relates to shadowing/solar access and views.

The proposed high-rise building is 42 storeys and positioned centrally on the site. In advance of preparing a suitable plan of development, the Planning Department and applicant's architectural consultants undertook a building siting plan, taking into account existing buildings and potential future buildings within a block to ensure appropriate spatial separation. The nearest high-rise building is Aldynne on the Park located directly to the north at 5812 Patterson Avenue, over 36.88 m (120 ft.) away. This exceeds the 24 to 30 m (80 to 100 ft.) tower separation that is sought by the urban design guidelines contained in the Metrotown Downtown Plan.

It is also noted that the proposed building floor plate is 661 m² (7,120 sq.ft.), which is less than the maximum 750 m² (8,100 sq.ft.) identified in the design guidelines. While a building with a slightly lower height and a larger floor plate could be considered for the subject site, this would result in a bulkier, more impactful form; there would be less on-site open space, increased shadowing, greater view obstruction, and reduced separation between buildings. To minimize the impact of the development, as noted, the proposed building has a small foot print and slender profile that minimizes the shadow width and allows the shadow to travel quickly across adjacent areas as the sun moves through the sky. Due to the location of the proposed tower, shadow studies undertaken by the consultant demonstrate that the tower will have minimal impact on sites to the west from midday on, and minimal impact on sites to the north in the morning and afternoon, during spring summer, and fall. Within the Metrotown Downtown context, the proposed building height and massing has appropriately taken into consideration issues of shadowing/solar access and views.

Overall, the height and scale of the building is considered appropriate given the reasons noted above. Furthermore, it is noted that the development form is consistent with the site's high-density residential designation within the Metrotown Downtown Plan, the City's Official Community Plan, the Metro Vancouver Regional Growth Strategy, and Burnaby's Rental Use Zoning Policy which support the accommodation of higher densities for both rental and strata tenures within this

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area given available access to public transit, employment, services, and other community amenities.

2.5 Capacity of Area Amenities and Infrastructure

Concerns were raised regarding the capacity of local parks and recreation centres, and if existing infrastructure is adequate to support the proposed development.

Park Capacity

The subject site is served by several neighbourhood, district, and major parks, including Maywood Park, Kinnee Park, the BC Parkway, Bonsor Park, the Civic Square adjacent to the Bob Prittie Metrotown Library, and the 90 hectare (220 acre) Central Park which is 60m (197 ft.) to the west of the subject site across Paterson Avenue. Furthermore, Burnaby has a Parkland Acquisition Charge that applies to all new residential development throughout the City and is utilized to acquire additional parkland to meet community needs.

Recreation Capacity

The subject site is located 1.2 km from the Bonsor Recreation Complex, one of the City's largest and most comprehensive community facilities, encompassing a full sized gymnasium, fitness centre, pool, and many other art and leisure programming spaces. It was originally developed in 1986 and renovated in 2005, with a further enhancement on the second level of the facility in 2014. Adjacent to the Bonsor Complex is the Bonsor Centre for 55+. This facility provides recreation services and amenities specifically for local seniors and was constructed in 2013. As Metrotown continues to grow, it is anticipated that the Bonsor Recreation Centre will continue to be improved and enhanced to meet community needs. Furthermore, as noted, the subject development site is located only 60m (197 ft.) from Central Park which has a variety of recreational options including, an outdoor swimming pool, tennis courts, running track, golf, lawn bowling, sports fields, walking paths and cycling trails. It is also noted that the proposed development has an extensive amenity complement, including: lounge, party rooms, communal kitchen, and karaoke/music room; yoga room, gym / fitness room, games room, meeting rooms, study/business room, virtual golf, and guest room, indoor swimming pool, spa, outdoor putting green, deck, fitness zone, dog walking area, and children's play areas. These on-site amenities assist in managing the demand for City recreational and amenity services.

Utility Capacity

As a requirement of the rezoning and subdivision process, a detailed review of all necessary services required to serve a site (e.g. sanitary sewer, storm sewer, water service, hydro/gas service, road capacity, sidewalks/cycle paths, street lighting and street trees) is completed by the Planning and Engineering departments. The applicant is required to hire an approved civil contractor to design and construct all necessary services to serve the site to City standards, with costs borne solely by the applicant.

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2.6 Property Values

Concern was expressed regarding the potential decrease in property value, due to the proposed development and the addition of non-market housing on the subject site.

Concerning perceived impacts to adjacent property values, it is noted that the market value for a particular property is determined by many unique factors, including, but not limited to, location, size, layout, configuration, age, condition, amenities and surrounding uses. Although, the City cannot specifically comment on the individual value of a property as it relates to new development, it is noted that assessed values have been informed by the land use plans that govern development in an area and its surroundings. Given that the land use designation for high-rise high-density multiple family development of the subject site has been in place since 2017, the market has adjusted upwards in response to the high-density multiple family designation within the plan. Furthermore, redevelopment over time in accordance with land use designations has been beneficial to the use and enjoyment of the area, benefiting existing and new residents through improvements to sidewalks, roadways, intersections and greenspaces, and improved housing choices.

With regard to the proposed 52 unit non-market rental building on-site, research by BC Housing shows that the presence of non-market rental housing does not impact surrounding residential property values¹, and is not a factor in the assessment of property values.

2.7 Seismic Safety and Fire Protection

Concern was expressed regarding seismic safety and fire protection measures, as they relate to high rise buildings.

The proposed development is required to meet or exceed all requirements of the *BC Building Code*, which establishes various requirements for buildings including life safety, fire protection, structural protection, and seismic provisions. The applicant is required to submit extensive studies prepared by professional engineers related to geotechnical conditions, groundwater conditions and structural stability.

The applicant is also required to submit a Fire Access Plan for approval by the Burnaby Fire Department – Fire Prevention Division. Fire access for the proposed site is via both Barker Avenue for the strata high-rise, and Olive Avenue for the non-market low-rise buildings. Both buildings have fire enunciator panels within their respective lobbies and will be fully sprinklered. Issues were raised related to fire access for the adjacent building at 5392 Patterson Avenue, with some residents raising concern related to the closure of the rear lane between the two developments. Based on Building Permit Records, fire access to the building at 5392 Patterson Avenue is from Patterson Avenue, via the main lobby and via a fire exit at the north of the building. It is noted that the lobby connects to both Patterson Avenue and Olive Avenue via a pedestrian pathway, and

¹ BC Housing Research Centre. January 2020. Exploring Impacts of Non-Market Housing on Surrounding Property Values. Retrieved from: <https://www.bchousing.org/research-centre/library/community-acceptance>

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in the case of emergency residents could exit the lobby toward Olive Avenue as well. Fire access is not required, or appropriate, from the rear lane, as the lane measures a standard 6.1m (20ft.) and a fire truck, with outriggers, requires a fire access lane of a minimum of 7.5m (25ft). Furthermore, as a pedestrian route in case of emergency, the rear lane is not appropriate, even though gates have been installed without permit, as at this location there is a grade change of 0.6-1.2m (2-4 ft.) with a retaining wall down to the lane that would preclude access by persons with mobility challenges. Therefore, closure of the rear lane would not pose any impact to emergency access to 5392 Patterson.

3.0 CONCLUSION

The subject rezoning application proposes development of a single 42-storey apartment building central to the site fronting Barker Avenue, and a six storey non-market rental apartment building fronting Olive Avenue. The proposal is fully concordant with the adopted Metrotown Downtown Plan, and Rental Use Zoning and Tenant Assistance policies. The proposal’s high quality of architecture and landscape treatment is considered beneficial to the neighbourhood through its provision of non-market rental and market strata housing options.

This report provides information responding to a number of questions and concerns raised at Public Hearing, including those related to: traffic, parking and garbage access; construction noise and impacts; plan designation, density; building height, spatial separation, shadow impacts; capacity of area amenities and infrastructure; property values; and seismic safety and emergency access.

As a condition of Final Adoption of the rezoning, the applicant will be required to complete the necessary prerequisite conditions of the subject rezoning application, as well as obtain the necessary City approvals and permits. In view of the information provided above, the proposed rezoning application remains supported by staff.

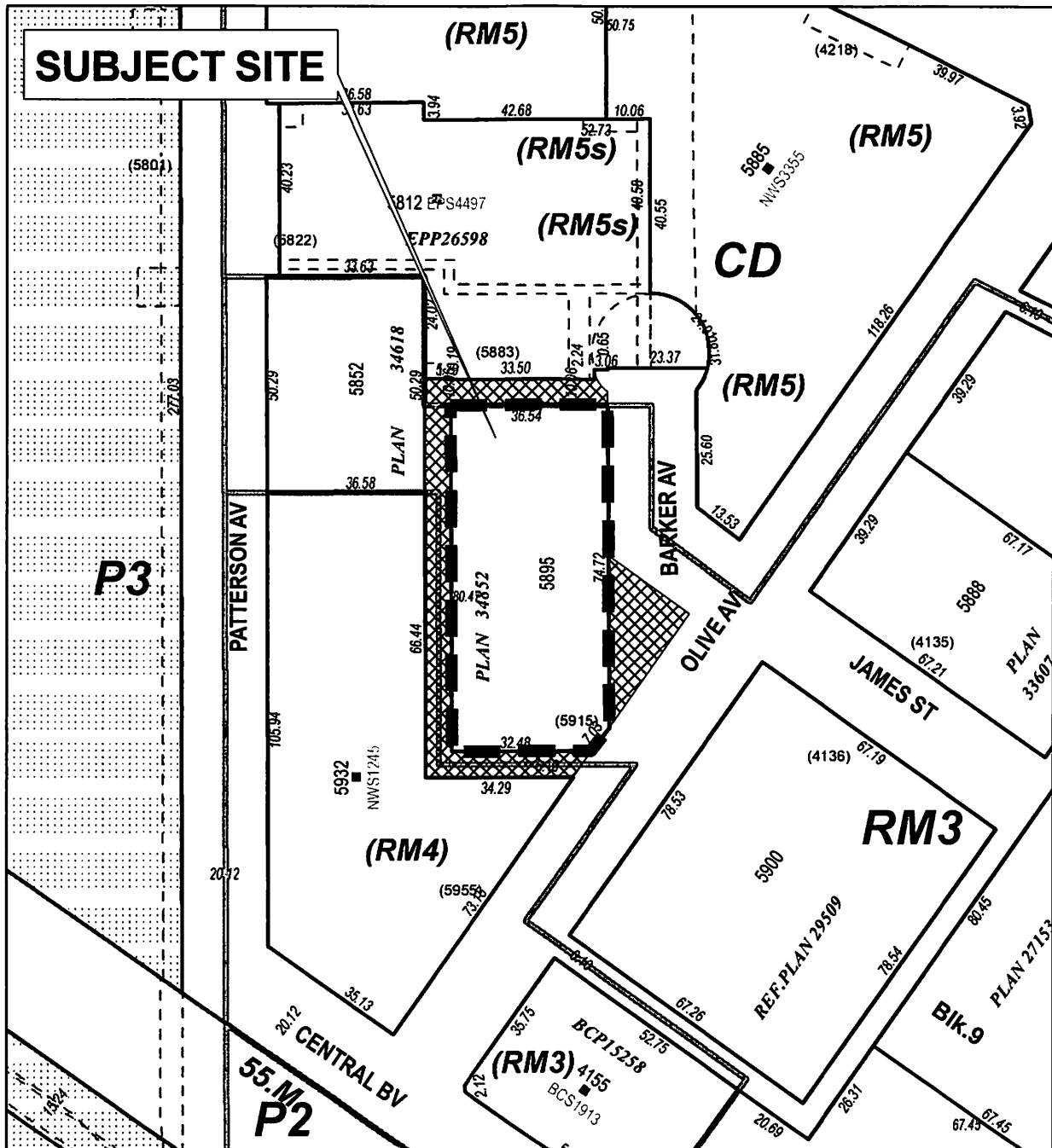
It is recommended that a copy of this report be sent to the applicant and those who spoke at, or submitted correspondence to the Public Hearing for Rezoning Reference #17-40.



E.W. Kozak, Director
PLANNING AND BUILDING

JBS/JDC:
Attachments

cc: Director Corporate Services
Director Parks, Recreation and Cultural Services
Chief Building Inspector
City Clerk



PLANNING & BUILDING DEPARTMENT



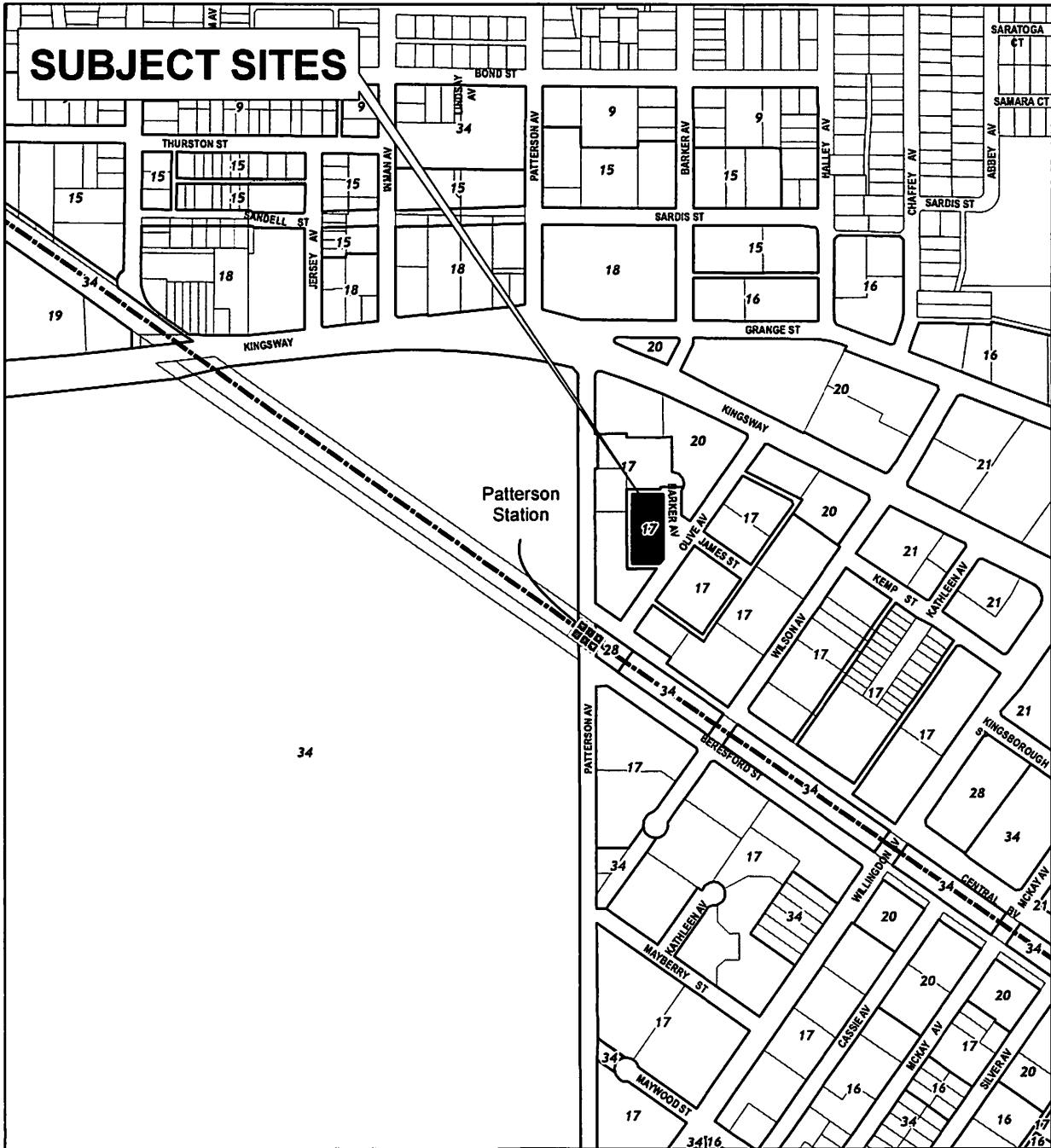
DATE: JAN 22 2018

SCALE: 1:1,500

DRAWN BY: AY

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5895 BARKER AVENUE

 Subject Site  Proposed Road Closure Area



- 9** Medium Density Residential (RM3s)
- 15** High Density Residential (RM5)
- 16** High Density Residential (RM4s)
- 17** High Density Residential (RM5s)
- 18** High Density Mixed Use (RM4s/C2)
- 19** High Density Mixed Use (RM4s/C3)

- 20** High Density Mixed Use (RM5s/C2)
- 21** High Density Mixed Use (RM5s/C3)
- 28** Institutional
- 30** Public School (P3)
- 34** Park and Public Use (P3)



Planning and Building Dept

Metrotown Plan

