

TO: MAYOR & COUNCILLORS

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: REZ #22-23 – 5825 SUNSET STREET – NON-MARKET RENTAL DEVELOPMENT

PURPOSE: To seek Council authorization to forward REZ #22-23 to First and Second Reading at a future Council meeting.

REFERENCES

Address: 5825 Sunset Street
Legal: PID: 027-619-516
Parcel A District Lot 80 Group 1 New Westminster District Plan BCP37805

Applicant: Collabor8 Architecture + Design Inc.
180 - 355 Burrard Street, Vancouver, BC V6C 2GB
Attention: Jordan Levine

Current Zoning: CD Comprehensive Development District (based on the P5 Community Institutional District and RM2 Multiple Family Residential District)

Proposed Zoning: Amended CD Comprehensive Development District (based on P5 Community Institutional District, RM2 and RM2r Multiple Family Residential Districts as guidelines and in accordance with the development plan entitled “3rd Floor Addition” prepared by collabor8 Architecture + Design)

RECOMMENDATION

THAT a Rezoning Bylaw for REZ #22-23 be prepared and advanced to First and Second Reading at a future Council meeting;

THAT a Housing Agreement be authorized according to the terms outlined in Section 3.3 of the report titled “REZ #22-23 –5825 Sunset Street – Non-market Rental Development” dated April 29, 2024, and the City Solicitor be authorized to bring forward a Housing Agreement Bylaw for Final Adoption concurrently with Final Adoption of the Rezoning Bylaw for REZ #22-23;

THAT the items listed in **Attachment 3** – Rezoning Prerequisites of this report be established as prerequisites to consideration of Final Adoption of the Rezoning Bylaw for REZ #22-23; and

THAT the grant of an easement for parking over the adjacent City-owned site at 3873 Godwin Avenue and 5867 Sunset Street in favour of the subject development site be authorized as outlined in Section 3.6 of the report.

EXECUTIVE SUMMARY

A rezoning application has been received to permit the addition of a third storey to an existing building, in order to provide six additional non-market rental units. The purpose of this report is to provide Council with information on the proposal and to recommend that the Rezoning Bylaw be brought forward for First and Second Reading at a future date of Council.

1.0 POLICY SECTION

The proposed rezoning application is consistent with the following policies and plans adopted by Council:

- Corporate Strategic Plan (2022),
- Regional Context Statement (2013),
- Official Community Plan (1998),
- Central Administrative Area Plan (1974),
- Economic Development Strategy (2007),
- Social Sustainability Strategy (2016),
- “HOME: Housing and Homelessness Strategy” (2021), and
- Burnaby’s Housing Needs Report (2021).

2.0 BACKGROUND

- 2.1 The subject development site is located on Sunset Street, west of Godwin Avenue, and is designated for community institutional uses within the Central Administrative Area Plan (see **Attachment 1** – REZ #22-23: Sketch #1 and Sketch #2). The subject site is currently improved with a two-storey non-market rental development.
- 2.2 The applicant has now submitted a plan of development suitable for First and Second Reading of the Rezoning Bylaw.

3.0 GENERAL INFORMATION

- 3.1 The development proposal is for the addition of a third storey to an existing building. Vehicular access is via the site’s existing driveway access which is proposed to be shared with the adjacent City-owned development site to the east at 3873 Godwin Avenue and 5867 Sunset Street. The rezoning for this adjacent site is appearing elsewhere on this Council agenda under REZ #20-34 to

propose a three storey non-market housing project that is to be developed and operated with a ground lease by the same housing provider (the “Adjacent Development”). Off-street parking for the subject site is to be provided in an underground parkade proposed as part of this Adjacent Development.

- 3.2 A detailed summary of the proposed development, including density, floor area, residential unit mix, amenity space, and parking, is provided in **Attachment 2 – REZ #22-23: Development Statistics**.
- 3.3 Density is determined based on the gross site area and the permitted Floor Area Ratio (FAR). The maximum potential density for the subject site utilizing the RM2 and RM2r Multiple Family Districts is 1.8 FAR. The P5 District is added to the Comprehensive District to allow for additional uses, small offices, and amenity spaces (including a rooftop amenity) in support of the non-market rental development. A common laundry facility is also proposed on the third floor. The FAR and Gross Floor Area may be subject to minor changes as a result of design refinements or detailed surveys, provided the maximum Density is not exceeded.

Zoning: CD (P5, RM2, RM2r)			
Site Size: 1,291.82 m ²			
	Permitted Density (FAR) and GFA (m²)	Proposed Density (FAR) and GFA (m²)	Proposed Units
RM2 / RM2r / P5 Density*	1.8 FAR	0.99 (including third storey addition)	15 total (including 6 new units)
GFA (m ²)	2,325.28	1,276.85	

*P5 District added to the CD District to allow for support services to residents.

- 3.4 The applicant notes that the proposed rental rates are to be consistent with the maximum shelter rates and will vary with the size of the unit. The registration of a Housing Covenant and a Housing Agreement will be required to protect and regulate affordability measures and tenure of the non-market rental units.
- 3.5 The General Manager Engineering will be requested to prepare an estimate for all services necessary to serve this site, including, but not necessarily limited to inspection of the existing sanitary and storm infrastructure to assess condition.
- 3.6 The applicant is proposing to add an elevator to the existing building and to provide 1 adaptable unit, which meets the minimum requirement that 20% of the six additional units for the development be adaptable, in line with the Adaptable Housing policy. It is noted that as the existing building pre-dates the City’s Adaptable Housing policy, and thus it has no adaptable units.

3.7 The City-owned Adjacent Development at 3873 Godwin Avenue and 5867 Sunset Street is to take access to its proposed underground parkade via the existing driveway located on the subject site. Access to and use of the driveway by the Adjacent Development will be secured through an easement and Section 219 Covenant registered on title to the subject site.

A parking ratio of 0.35 vehicle parking spaces per rental unit is proposed for the development. The subject site’s proposal requires the provision of 6 vehicle parking spaces. Due to the subject proposal’s conversion of existing parking to under-building storage, it is proposed that the 6 required vehicle parking spaces be provided on the Adjacent Development site, and that all vehicle parking spaces located on the Adjacent Development be shared between the two sites. The proposal for the Adjacent Development requires the provision of 7 vehicle parking spaces, and 16 vehicle parking spaces and a car wash facility are proposed to be provided in the underground parking area of the Adjacent Development. Access to and use of the shared vehicle parking spaces and car wash facility in the Adjacent Development for the benefit of the subject site is proposed to be secured through an easement and Section 219 Covenant registered on title to the Adjacent Development site. A Section 219 Covenant will be required as a condition of the subject rezoning to ensure that the 6 additional units proposed for the subject site may not be occupied until a certificate of occupancy has been issued for the Adjacent Development to ensure the shared parking spaces on the Adjacent Development will be available for use by the subject site, or until the subject site is able to pursue alternatives to meet the Zoning Bylaw requirements, as amended from time to time.

3.8 Given that it is a one floor addition to an existing building, this development proposal is not required to meet the Burnaby Building Bylaw’s Step Code requirement or the City’s Green Building requirements.

3.9 The required prerequisites to the adoption of the rezoning are listed in **Attachment 3 – REZ #22-23: Rezoning Prerequisites**. In part, the prerequisites include the necessary fees, financial securities, professional reports, legal and servicing agreements, easements, covenants, and statutory rights-of-way to facilitate the servicing and development of the proposed site.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

As of November 30, 2023 the *Housing Statutes (Residential Development) Amendment Act, 2023* amended Section 464 of the *Local Government Act* to prohibit local governments from holding a Public Hearing for rezoning applications that are all or predominantly (greater than 50%) residential, where the proposed rezoning is consistent with the City’s Official Community Plan. The proposed rezoning is consistent with the Official Community Plan policies on affordable and special needs housing (Goal 4, Section 4.0; Section 4.3; Section 11.4.3) and the location of multiple-family housing forms within various mixed use community plan areas (Regional Context Statement Section 4.1.7(a) (ii)). The Official Community Plan does not provide for institutional designations, instead relying on community plans for those designations.

The subject site is designated for neighbourhood/community institutional uses in the Central Administrative Area Plan. As such, a Public Hearing is prohibited from being held for this rezoning application.

As a Public Hearing is not permitted to be held, public notice of the Rezoning Bylaw for REZ #22-23 will be completed prior to bringing forward the Rezoning Bylaw for First Reading, in accordance with section 467 of the *Local Government Act*, the City’s Public Notice Bylaw and Council policy. City staff will mail a notice to those properties that are within a 30 m radius of the subject site. Public notice will also be published on the City’s website, and in the City’s e-newsletter, and a sign regarding the proposal will be posted on the site.

5.0 FINANCIAL CONSIDERATIONS

A grant to cover City fees and other ancillary project costs for this non-market housing project may be requested at a future time, subject to Council approval as part of a future report.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

- Attachment 1 – REZ #22-23: Sketch #1 and Sketch #2
- Attachment 2 – REZ #22-23: Development Statistics
- Attachment 3 – REZ #22-23: Rezoning Prerequisites

REPORT CONTRIBUTORS

This report was prepared by Lisa Scott, Development Planner, and reviewed by Jennifer Wong, Assistant City Solicitor, and Jesse Dill, Director Development.