

TO: MAYOR & COUNCILLORS

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: **REZ #20-15 –SUNSET STREET AND KINCAID STREET – NON-MARKET HOUSING DEVELOPMENT WITH ADULT DAY CARE AND A CHILD CARE FACILITY, AND A SEPARATE POTENTIAL NON-MARKET HOUSING DEVELOPMENT PRIMARILY FOR SENIORS**

PURPOSE: To seek Council authorization to forward REZ #20-15 to First and Second Reading at a future Council meeting.

REFERENCES

Address: 5912, 5924, 5938, 5946, 5958, 5968, 5978, 5988 Sunset Street, and 5907, 5919, 5931, 5941, 5951, 5969, 5979, 5989 Kincaid Street

Legal: See **Attachment 2** – REZ #20-15: Schedule A

Applicant: BC Indigenous Housing Society
548 Beatty Street
Vancouver, BC V6B 2L3
Attention: Helen Song

Current Zoning: CD Comprehensive Development District (based on P5 Community Institutional District, RM3r Multiple Family Residential District, and Central Administrative Area Plan as guidelines)

Proposed Zoning: Amended CD Comprehensive Development District (based on P5 Community Institutional District, RM3 and RM3r Multiple Family Residential Districts, and Central Administrative Area Plan as guidelines, and in accordance with the development guidelines provided in Appendix A attached to Rezoning Bylaw for REZ #20-15)

RECOMMENDATION

THAT rescinding of First and Second Reading of Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 49, 2020 (Bylaw No. 14249) be approved;

THAT the amendments to the proposed rezoning and the new development guidelines provided in **Attachment 3** – Appendix A Development Guidelines –

Rezoning Reference #20-15 to the report titled “Rez #20-15 – Sunset Street and Kincaid Street – Non-Market Housing Development with Adult Day Care and a Child Care Facility, and a Separate Potential Non-Market Housing Development Primarily for Seniors” dated July 22, 2024, be approved;

THAT a new Rezoning Bylaw for REZ #20-15 be prepared and advanced to First and Second Reading at a future Council meeting;

THAT the granting and execution of any necessary Statutory Rights of Way over the development site for REZ #20-15 be authorized in favour of third-party utility providers to install any infrastructure required to service the site;

THAT the introduction of a Highway Closure Bylaw be authorized according to the terms outlined in Section 3.3 of the report, contingent upon the granting by Council of Second Reading of the subject Rezoning Bylaw; and

THAT the items listed in **Attachment 4** to the report be established as prerequisites to consideration of Final Adoption of the Rezoning Bylaw for REZ #20-15.

EXECUTIVE SUMMARY

A rezoning application has been revised to permit a non-market housing development with adult day care and a child care facility, and a separate potential non-market housing development primarily for seniors. The purpose of this report is to provide Council with information on the past and current proposal and to recommend that the Rezoning Bylaw for the new proposal be brought forward for First and Second Reading at a future date of Council. Further, it is recommended that the original Rezoning Bylaw for REZ #20-15 (Bylaw 14249) be rescinded.

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),
- Social Sustainability Strategy (2016),
- “HOME: Housing and Homelessness Strategy” (2021), and
- Burnaby’s Housing Needs Report (2021).

2.0 BACKGROUND

2.1 The subject City-owned development site is bounded by Sunset Street to the north, Godwin Avenue to the west, Kincaid Street to the south, and properties to

the east fronting Norland Avenue. It is designated for Community Institutional Use within the Central Administrative Area (see **Attachment 1** – REZ #20-15: Sketch #1, Sketch #2, and Sketch #3). 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 comprised of 16 lots and lane right-of-way which are currently treed and undeveloped.

- 2.2 On October 07, 2019, Council received a staff report advancing a program to bring forward various City-owned sites for the development of non-market housing, in partnership with other levels of government. Amongst the report recommendations were that staff initiate pre-zoning applications for the City-owned sites, in order to establish development guidelines and ultimately deliver detailed off-site civil designs and construction estimates. The pre-zoning application related to this site, Rezoning Reference #19-55, received Final Adoption on November 09, 2020.

On February 14, 2020, the City issued a Request for Proposals for the selection of non-profit partners to develop and operate non-market housing on five City-owned sites, including the subject site. The subject site is one of the sites outlined in a Memorandum of Understanding (MOU) between the City and BC Housing to develop affordable housing units for low-income individuals and families in Burnaby.

On July 06, 2020, Council approved BC Indigenous Housing Society (BCIHS), previously known as Vancouver Native Housing Society, as the non-profit housing provider for the subject site. On September 28, 2020, Council authorized the Planning and Development Department to work with the organization on this site-specific rezoning application.

A preliminary architectural and landscape concept was prepared for a new six-storey non-market housing development with 271 units for Indigenous and non-Indigenous seniors. On November 23, 2020, Council gave First Reading to the Rezoning #20-15 - Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 49, 2020 (Bylaw No. 14249), and on December 15, 2020, a Public Hearing was held. Second Reading was granted by Council on December 17, 2020, and since that time, the subject rezoning has not advanced.

- 2.3 BCIHS is now proposing a revised development proposal, and development guidelines suitable for presentation to Council for consideration.

3.0 GENERAL INFORMATION

- 3.1 The amended development proposal is for two buildings on the subject site. On the west side of the property, BCIHS is proposing a six to seven-storey wood

frame building with 244 units as opposed to 271 units, in line with the funding allocated through BC Housing's Community Housing Fund (CHF) program. The units at this building will be geared towards low and middle-income families, singles, and seniors in Burnaby, whereas the previous proposal was for Indigenous and non-Indigenous seniors. The change in population was requested by the BCIHS to better serve multi-generational households. The proposed development would also include an adult day care centre, a child care facility, an accessory office, indoor and outdoor amenity spaces, and play areas. It is noted that there are significant grade differences throughout the site, such that while the majority of the building presents as six storeys, there is a small portion on the north elevation only that presents as seven storeys. Vehicular access would be via both Sunset Street and Kincaid Street, with underground parking.

In accordance with CHF requirements, the units in the west building would be offered at the CHF affordability levels as follows:

- 20% of units at deep subsidy rates;
- 50% of units at Rent Geared to Income (RGI) rates; and
- 30% of units at Low End of Market (LEM) rates.

On the eastern portion of the site, BCIHS is proposing a second six-storey wood frame building with approximately 75 units, an accessory office, and indoor and outdoor amenity space. Vehicular access would be via Sunset Street, with underground parking. BCIHS has submitted a proposal to BC Housing's Indigenous Housing Fund (IHF) program for funding to develop the 75 additional units for the Indigenous community. While the non-market rental housing units would be primarily for Elders, approximately 28% of the units would be for families. All units would be at deep subsidy rates and would be geared to Burnaby residents. Should the IHF funding application be successful, the rent amounts for all units in the east building would be RGI, in line with the IHF funding program parameters. The applicant intends to pursue construction of both buildings at the same time.

If BCIHS is not successful in securing funding for the additional 75 units under their recent application to the IHF program, staff will continue to work with the BCIHS to advance the funded west building through the City development and BC Housing approval processes. Regardless, to simplify future Ground Lease Agreements for the two buildings, it is proposed that the subject site be consolidated into a western Lot 1 and an eastern Lot 2, in line with the draft subdivision plan, which is subject to change, outlined in **Attachment 1 – REZ #20-15: Sketch #1, Sketch #2, and Sketch 3.**

- 3.2 Under the Central Administration Area Plan, the site is designated for Community Institutional Use. The proposed development guidelines (see **Attachment 3 – Appendix A: Development Guidelines – Rezoning Reference #20-15**) provide for

a rezoning to the amended Comprehensive Development District, utilizing the P5 Community Institutional, RM3, and RM3r Multiple Family Districts as guidelines, and a maximum height of seven storeys. The specific plan of development for the west building, and for the east building should it receive IHF funding, would be approved through future Preliminary Plan Approval (PPA) and Building Permit applications, and the maximum potential density may be up to 3.55 FAR, as outlined in Table 1 below:

Table 1:

Overall Site Size* (subject to survey): 10,026.4 m ²	
	Permitted Density (FAR and GFA)
P5 Density	0.8 FAR (GFA 8,021.12 m ²)
RM3 Density	1.1 FAR (GFA 11,029.04 m ²)
RM3r Density	1.1 FAR (GFA 11,029.04 m ²)
Density Offset	0.55 FAR (GFA 5,514.52 m ²)
Total Density	3.55 FAR (GFA 35,593.72 m ²)

*Density for subject site based on gross site area prior to road dedication.

- 3.3 The project site includes the closure of the lane between Sunset Street and Kincaid Street. The completion of a Highway Closure Bylaw is required prior to Final Adoption of the subject rezoning application.
- 3.4 With the registration of a no build Section 219 Covenant, the required Ground Lease Agreement for both buildings would be finalized prior to Building Permit issuance. Detailed terms and conditions of the lease will be provided to Council in a future report.
- 3.5 All necessary City service and third party utility design for the site will be provided by the City through the Engineering Department consultant team.
- 3.6 Fraser Health Authority approves child care facilities through administration of the Child Care Licensing Regulation under the *Community Care and Assisted Living Act*. With respect to this proposal, if the applicant is not able to submit a letter from the Fraser Health Authority prior to issuance of PPA indicating that, based on submitted plans, they are able to approve in principal the physical space of the facility, a separate PPA for the child care facility will be required once the letter has been provided.
- 3.7 The development must comply with the *Guidelines for Development on Forested Sites (April 2023)*, including provision of a tree survey and raptor survey. In

addition, an ecological assessment, which complies with the *Ecological Assessment Guidelines for Ecologically Sensitive Sites (March 2023)* is required.

- 3.8 The required prerequisites to the adoption of the rezoning are listed in **Attachment 4 – REZ #20-15: 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.
- 3.9 The above new proposal for REZ #20-15 will replace the original preliminary architectural and landscape concept that was advanced to First Reading, Public Hearing and Second Reading in November/December 2020. As such, it is recommended that Council approve rescinding the original Rezoning Bylaw for REZ #20-15 (Bylaw No. 14249) concurrently with the introduction of the new Rezoning Bylaw for the new development proposed described in this report.

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. As such, a Public Hearing is prohibited from being held for this rezoning application.

Although a Public Hearing is not permitted to be held, public notice of the new Rezoning Bylaw for REZ #20-15 will be completed prior to bringing forward the new 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. A public notice will also be published on the City's website, distributed as part of the City's online newsletter, and a sign regarding the proposal will be posted on the site.

5.0 FINANCIAL CONSIDERATIONS

Should the requests for BC Housing funding for the proposed buildings be successful, the subject sites would be leased to BCIHS at a nominal rate and a report outlining the proposed lease terms and considerations would be brought forward for consideration at a future Council meeting, including the value of the land associated with the ground lease. In addition, the City would retain responsibility for end-of-lease demolition and site restoration requirements for the two sites. Any request from BCIHS for a housing grant would be brought forward at a future Council meeting.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

- Attachment 1 – REZ #20-15: Sketch #1, Sketch #2, and Sketch #3
- Attachment 2 – REZ #20-15: Schedule A
- Attachment 3 – REZ #20-15: Development Guidelines
- Attachment 4 – REZ #20-15: Rezoning Prerequisites

REPORT CONTRIBUTORS

This report was prepared by Lisa Scott, Development Planner and reviewed by Shawn Natrasony, Development Planner, Diana Jerop, Housing Planner, Ian Wasson, Senior Development Planner, Richard Mester, Manager Business Process and Reporting, and May Leung, City Solicitor.