

**TO:** MAYOR & COUNCILLORS  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **REZ #22-12 – 4411, 4429 AND 4431 HASTINGS STREET – MIXED USE DEVELOPMENT – HASTINGS STREET AREA PLAN**  
**PURPOSE:** To seek Council authorization to forward REZ #22-12 to First and Second Reading at a future Council meeting.

## REFERENCES

**Address:** 4411, 4429 and 4431 Hastings Street  
**Legal:** PIDs: 002-806-126, 011-936-746, 011-936-720  
Parcel “B” District Lot 121 Group 1 New Westminster District  
Reference Plan 57880  
Lot 30 Block 5 District Lot 121 Group 1 New Westminster District  
Plan 1054  
Lot 29 Block 5 District Lot 121 Group 1 New Westminster District  
Plan 1054  
**Applicant:** Matthew Cheng Architect Inc.  
#202-670 Evans Avenue, Vancouver, BC V6A 2K9  
Attention: Matthew Cheng  
**Current Zoning:** C8a Urban Village Commercial District  
**Proposed Zoning:** CD Comprehensive Development District (based on the C8a Urban Village Commercial District and Hastings Street Area Plan as guidelines, and in accordance with the development plan entitled “4411 – 4431 Hastings St., Burnaby” prepared by Matthew Cheng Architect Inc.)

## RECOMMENDATION

**THAT** a Rezoning Bylaw for REZ #22-12 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 #22-12 – 4411, 4429 and 4431 Hastings Street – Mixed Use Development – Hastings Street Area Plan” dated July 22, 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 #22-12; and

**THAT** the items listed in **Attachment 3** – Rezoning Prerequisites to the report be established as prerequisites to consideration of Final Adoption of the Rezoning Bylaw for REZ #22-12.

## EXECUTIVE SUMMARY

A rezoning application has been received to allow for the construction of a six-storey mixed-use multiple-family strata and non-market rental residential development with commercial retail uses at grade. 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);
- Hastings Street Plan Area (1992);
- Economic Development Strategy (2007);
- Social Sustainability Strategy (2011);
- Environmental Sustainability Strategy (2016);
- Transportation Plan (2021);
- HOME: Housing and Homelessness Strategy (2021); and
- Burnaby Housing Needs Report (2021).

### 2.0 BACKGROUND

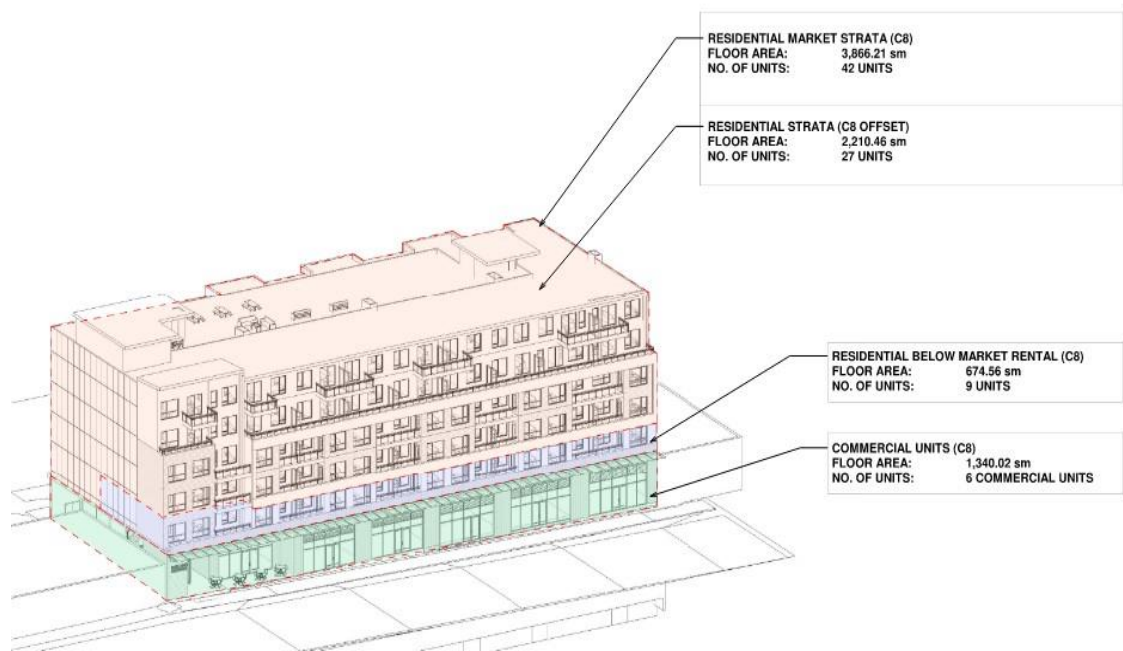
- 2.1 The subject site is located on Hastings Street east of Rosser Avenue within the Hastings Street Plan area. The site is designated for medium-density mixed-use in the Hastings Street Area Plan and Urban Village uses in the Official Community Plan (see **Attachment 1** – REZ #22-12: Sketch #1 and Sketch #2). The site is improved with three older commercial buildings. Vehicular access to the site is currently provided from the rear lane.
- 2.2 On August 29, 2022, Council received an initial rezoning report which proposed to rezone the subject property to the CD Comprehensive Development District, utilizing the C8a Urban Village Commercial District and Hastings Street Area Plan as guidelines. Council authorized Staff to work with the applicant towards the preparation of a suitable plan of development.

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, as shown in **Figure 1**, is for a six-storey mixed-use development with 69 market strata and 9 non-market rental residential dwelling units above commercial uses at grade. Parking is underground (with the exception of four commercial stalls at grade) and vehicle access to the site is from the rear lane. A more detailed summary of the proposed development, including density, floor area, residential unit mix, amenity space, and parking and loading, is provided in **Attachment 2** – REZ #22-12: Development Statistics.

Figure 1: Land Use and Tenure



3.2 Density is determined based on the gross site area and the permitted Floor Area Ratio (FAR). The maximum potential density for the subject site is 4.125 FAR, which is comprised of: 3.0 FAR C8 base and 1.125 C8 offset. The proposed total density for the subject site is 4.10 FAR, as outlined in **Table 1**. There may be minor changes to FAR, Gross Floor Area (GFA) and proposed unit counts in **Table 1** as a result of design refinements or detailed surveys, subject to the total Density (FAR) not being exceeded.

**Table 1: Land Use and Tenure**

<b>Zoning:</b> CD (C8)			
<b>Site Size:</b> 1,974.31 m <sup>2</sup>			
(subject to survey)			
	<b>Permitted Density (FAR) and GFA (m<sup>2</sup>)</b>	<b>Proposed Density (FAR) and GFA (m<sup>2</sup>)</b>	<b>Proposed Residential Units</b>
C8 Density	3.0	2.98	51*
GFA (m <sup>2</sup> )	5,922.93	5,880.79	
C8 Density Offset	1.125	1.12	27
GFA (m <sup>2</sup> )	2,221.10	2,210.46	
Total Density	4.125	4.10	78
Total GFA (m <sup>2</sup> )	8,144.03	8,091.25	

\*Includes 42 units of C9 base density and 9 inclusionary non-market rental units

- 3.3 The Council-adopted Rental Use Zoning Policy (2020) applies to sites within community plan areas which are undergoing rezoning utilizing the RM3 to RM5 Districts as guidelines. The subject site is designated for development under the C8a Urban Village Commercial District (Hastings) as a guideline, and as such the Rental Use Zoning Policy does not apply. The applicant has chosen to provide 9 non-market rental units, and to utilize the density offset that would apply to the site. To ensure the non-market rental units cannot be individually or separately sold, the applicant will be required, subject to City consent, to: (a) create an air space parcel containing only the non-market rental units, which air space parcel may not be stratified; or (b) subdivide the site by a strata plan under which all of the non-market units are contained within one strata lot; or (c) subdivide the site by a strata plan under which each non-market rental unit is a separate strata lot, with a requirement that none of the non-market rental unit strata lots may be separately sold.

The registration of a Housing Covenant and a Housing Agreement will be required to protect the tenure of the non-market rental units and regulate affordability measures to ensure that rents will not exceed 20% below CMHC market median rent rates.

- 3.4 The applicant is providing 17 adaptable units which exceeds a minimum of 20% of all single-level residential units as adaptable, in line with the Adaptable Housing policy.

- 3.5 A residential parking ratio of 1.0 spaces per 55 m<sup>2</sup> of floor area for commercial (shared with residential visitor parking), 1.0 spaces per market strata unit, and 0.5 spaces per non-market rental unit is proposed for the development. It is noted that 100% of the residential stalls and 45% of the non-residential stalls will be EV-Ready. The vehicle parking rates outlined above may be varied in line with the rates set out in this paragraph or the then-current requirements in the Burnaby Zoning Bylaw.
- 3.6 The submission of a Green Building Plan and energy benchmarking is required to demonstrate consistency with the Burnaby Green Building Policy. The developer has committed to demonstrating sustainability through building design, materiality and efficiency (water, energy and waste management) initiatives. The applicant has indicated that the development will meet a minimum of Step 2 of the BC Energy Step Code and the Zero Carbon Step Code EL-4.
- 3.7 Transportation and servicing improvements include but are not limited to the construction of the Hastings Street development frontage (separated sidewalks with street trees, and street lighting), rear lane improvements as required, undergrounding of overhead wiring, and any required storm, sanitary sewer and water main upgrades.
- 3.8 The required prerequisites to the adoption of the rezoning are listed in **Attachment 3 – REZ #22-12: 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. 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 Rezoning Bylaw for REZ #22-12 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. 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

There are no financial considerations related to this proposal.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

## **ATTACHMENTS**

Attachment 1 – REZ #22-12: Sketch #1 and Sketch #2

Attachment 2 – REZ #22-12: Development Statistics

Attachment 3 – REZ #22-12: Rezoning Prerequisites

## **REPORT CONTRIBUTORS**

This report was prepared by Shawn Natrasony, Development Planner, and reviewed by Ian Wasson, Senior Planner, Jennifer Wong, Assistant City Solicitor, and Jesse Dill, Director Development Approvals.